



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

DEC 12 2016

CERTIFIED MAIL 7015 1730 0002 0524 3891  
RETURN RECEIPT REQUESTED

Steel King Industries, Inc.  
ATTN: Mr. John Cothran  
Plant Manager  
30 Floyd Industrial Blvd.  
Rome, Georgia 30161

Re: Notice of Violation and Opportunity to Show Cause Pursuant to Section 309 of the Clean Water Act (CWA), 33 U.S.C. § 1319, and Information Request Pursuant to Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318, for Steel King Industries, Inc., Rome, Floyd County, Georgia

Dear Mr. Cothran:

On March 2, 2016, a contractor on behalf of the U.S. Environmental Protection Agency Region 4 performed an Industrial User Inspection of Steel King Industries, Inc.'s facility (Facility) located at 30 Floyd Industrial Boulevard in Rome, Floyd County, Georgia. The purpose of the inspection was to evaluate Steel King Industries, Inc.'s compliance with the requirements of Sections 301 and 307(d) of the Clean Water Act (CWA), 33 U.S.C. §§ 1311 and 1317(d); the regulations promulgated thereunder at 40 C.F.R. Parts 403 and 433.

The EPA's inspection, as described in the inspection report enclosed herewith as Enclosure A, and subsequent investigative efforts have revealed that Steel King Industries, Inc. failed to comply with Sections 301 and 307(d) of the CWA, 33 U.S.C. § 1311 and 1317(d), and its implementing pretreatment regulations at 40 C.F.R. Parts 403 and 433. Specifically, the EPA hereby notifies Steel King Industries, Inc., pursuant to Section 309(a) of the CWA, 33 U.S.C. § 1319(a), of the following findings of violations:

1. Significant industrial user discharge without a valid permit.

The Facility is a significant industrial user, as defined by 40 C.F.R. § 403.3(v). The Facility is therefore required to obtain a valid permit from the City of Rome, Georgia prior to discharging to a publicly owned treatment works (POTW). See 40 C.F.R. § 403.8(f)(1)(iii). The Facility discharged process wastewater as well as solids decanting wastewater as described in Enclosure A to the City of Rome Blacks Bluff Water Pollution Control Plant without a valid permit for at least 6 years, from approximately 2010 to present.

2. New Source failure to install and operate pretreatment equipment prior to discharge.

Pursuant to 40 C.F.R. § 403.6(b), the Facility is subject to the federal categorical pretreatment standards in 40 C.F.R. § 433.17. The Facility is a new source, as defined in

40 C.F.R. § 403.3(m), because it originated after the EPA published proposed standards for Part 433 on August 31, 1982. Steel King Industries, Inc. was thus required to install, and have in operating condition, all the pollution control equipment necessary to meet applicable Pretreatment Standards, including those in 40 C.F.R. Part 433, prior to beginning discharge to the POTW.

The Facility did not install such necessary pollution control equipment prior to beginning discharge to the POTW in 2010, and has not installed such equipment. The Facility thus has continued to discharge to the POTW without the necessary pollution control equipment, in continuing violation of 40 C.F.R. § 403.6(b).

3. Failure to report/record initial compliance with categorical standards.

Within 90 days after commencing a discharge to a POTW, a new source is required to report and maintain record of the self-monitoring information on its compliance with pretreatment standards, per 40 C.F.R. §§ 403.12(d), 403.12(g), 403.12(l) and 403.12(o).

Ninety days after commencing discharge to the POTW in 2010, the Facility did not submit a report to the City of Rome, Georgia of its initial compliance with the categorical pretreatment standards in 40 C.F.R. § 433.17. The Facility has also not maintained the required record demonstrating its initial compliance with these pretreatment standards.

4. Failure to submit periodic reports on continued compliance with categorical standards.

Pursuant to 40 C.F.R. §§ 403.12(e), 403.12(g), 403.12(l) and 403.12(o), any industrial user subject to categorical pretreatment standards must submit to the City of Rome, Georgia, and maintain its own records of, additional periodic compliance reports at least twice a year on its compliance with categorical standards and other information. From 2010 until the present, the Facility has not submitted to the City of Rome, Georgia, or maintained its own records of, self-monitoring reports of compliance with the categorical pretreatment standards in 40 C.F.R. § 433.17.

In addition, the EPA is concerned with the storage of numerous chemicals without secondary containment either on top of or near the trench drain that ultimately discharges to the City's POTW. Steel King Industries, Inc. may need to develop and implement a Slug Discharge Control Plan if these storage practices continue.

Until compliance with the CWA is achieved, Steel King Industries, Inc. is considered to be in violation of the CWA and may be subject to enforcement action pursuant to Section 309 of the CWA, 33 U.S.C. § 1319. This Section provides for the issuance of administrative penalty and/or compliance orders and the initiation of civil and/or criminal actions.

The EPA is continuing to investigate Steel King Industries, Inc.'s compliance with the CWA. Therefore, pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, the EPA hereby requests that Steel King Industries, Inc. provide the information set forth in Enclosure B within twenty-one (21) calendar days of your receipt of this letter.

Steel King Industries, Inc.'s response should be submitted to:



Mr. Brad Ammons  
U.S. Environmental Protection Agency, Region 4  
NPDES Permitting and Enforcement Branch  
Atlanta Federal Center (MC 9T25)  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

Failure to provide a full and complete response to this information request or to adequately justify a failure to respond within the time frame specified above may result in an EPA enforcement action pursuant to federal law, including, but not limited to Section 309 of the Clean Water Act, 33 U.S.C. § 1319, and 18 U.S.C. § 1001.

If Steel King Industries, Inc. believes that any of the requested information constitutes confidential business information, it may assert a confidentiality claim with respect to such information, except for effluent data. Further details, including how to make a business confidentiality claim, are found in Enclosure C.

The EPA also requests that representatives of Steel King Industries, Inc. contact the EPA within seven (7) business days of receipt of this letter to arrange a meeting in this office to show cause why the EPA should not take formal civil enforcement action against Steel King Industries, Inc. for these violations and any other potential violations, including the assessment of appropriate civil penalties. In lieu of appearing in person, a telephone conference may be scheduled. Steel King Industries, Inc. should be prepared to provide all relevant information with supporting documentation pertaining to the violations, including but not limited to any financial information which may reflect an inability to pay a penalty. Steel King Industries, Inc. has the right to be represented by legal counsel.

All information submitted in response to this information request and/or during the show cause meeting must be accompanied by the following certification that is signed by a duly authorized official in accordance with 40 C.F.R. § 403.12(l):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Please be aware that the EPA may use information provided during the meeting or telephone conference and/or in response to this information request in any enforcement proceeding related to this matter. Failure to schedule a show cause meeting may result in a unilateral enforcement action against Steel King Industries, Inc. Notwithstanding the scheduling of a show cause meeting, the EPA retains the right to bring further enforcement action under Section 309 of the CWA, 33 U.S.C. § 1319, for the violations cited therein or for any other violation of the CWA.

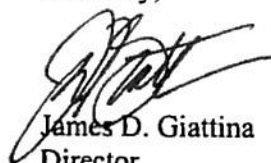
Enclosed is a document entitled *U.S. EPA Small Business Resources-Information Sheet* to assist Steel King Industries, Inc. in understanding the compliance assistance resources and tools available to it. Any

decision to seek compliance assistance at this time, however, does not relieve Steel King Industries, Inc. of its obligation to the EPA nor does it create any new rights or defenses and will not affect the EPA's decision to pursue enforcement action.

In addition, the Securities and Exchange Commission (Commission) requires its registrants to periodically disclose environmental legal proceedings in statements filed with the Commission. To assist Steel King Industries, Inc., the EPA has also enclosed a document entitled *Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings*.

Please contact Mr. Brad Ammons at (404) 562-9769 to arrange a show cause meeting or if you have any questions or concerns. Legal inquiries should be directed to Ms. Kavita Nagrani, Associate Regional Counsel, at (404) 562-9697.

Sincerely,



James D. Giattina  
Director  
Water Protection Division

Enclosures

cc: Mr. Bert Langley  
Georgia Environmental Protection Division

Mr. Mike Hackett  
City of Rome



**Final Report**  
**Steel King Industries, Inc.**  
**Industrial User Pretreatment Reconnaissance Inspection**  
**March 2, 2016**

**Prepared for:**  
**EPA Region 4**  
**61 Forsyth Street, S.W.**  
**Atlanta, GA 30303-8960**

**Prepared by:**  
**PG Environmental, LLC**  
**607 10th Street; Suite 307**  
**Golden, CO 80401-5817**

## Table of Contents

I. Introduction .....	3
II. Entry .....	3
III. Opening Conference .....	3
IV. Tour of Operations.....	4
V. Records Review .....	6
VI. Closing Conference .....	6
VII. Findings.....	7
VIII. Recommendations.....	7
IX. Attachments .....	8
Attachment 1 Photograph Log .....	9
Attachment 2.A CTI Wastewater Permit Requirement Evaluation .....	16
Attachment 2.B Wastewater Sludge Testing Results .....	35
Attachment 2.C City of Rome Industrial Wastewater Questionnaire.....	46
END OF REPORT .....	57



## I. Introduction

On March 2, 2016, Ms. Kettie Holland, of PG Environmental, LLC, conducted a pretreatment reconnaissance inspection of Steel King Industries, Inc. (Steel King or facility) on behalf of the U.S. Environmental Protection Agency (EPA) Region 4. The facility's address and mailing address are the same: 30 Industrial Blvd., Rome, GA 30161. The facility has not been issued an industrial wastewater discharge permit by the Georgia Department of Natural Resources' Environmental Protection Division (State of Georgia) or the City of Rome (City). The State of Georgia was notified in advance of the inspection pursuant to its Memorandum of Agreement with the EPA. Ms. Holland was accompanied by Ms. Cindy Nix of the State of Georgia during the inspection.

The facility is located in an industrial park off of Floyd Industrial Blvd. The process areas are located within a large warehouse. The facility's latitude and longitude coordinates are 34.176892 and -85.195640, respectively.

## II. Entry

Ms. Nix and Ms. Holland arrived at the facility at 1:30 P.M. and spoke with an administrative assistant at the entrance of the facility. The inspectors signed in at the front desk and Ms. Holland asked whom the appropriate person would be to meet with to discuss facility operations and potential wastewater generating operations. The administrative assistant stated that we would need to meet with Mr. John Cothran, the Plant Manager, who was in a meeting at the time of the inspection. The inspectors briefly waited in the lobby of the entrance of the facility and then met with Mr. Cothran. Introductions were exchanged and Ms. Holland provided a preliminary explanation of the purpose of the inspection.

## III. Opening Conference

The group proceeded to Mr. Cothran's office where Ms. Holland presented credentials and provided a full explanation of the purpose and intent of the pretreatment reconnaissance inspection. Ms. Holland requested that Mr. Cothran provide a description of the facility's onsite operations and wastewater generating processes.

Mr. Cothran stated that the facility has been in operation since 1988 and underwent a large expansion during 2010, when the facility's metal treatment and powder coating processes were installed. The facility is a pallet racking manufacturer that also manufactures internal guard rails and cantilever racks. Mr. Cothran stated that the facility operates 24 hours per day, from Sunday night through Friday, and that the powder coating line is intermittently operated five days per week.

The facility receives several forms of steel, including angle steel, flat bar steel, channel steel, and steel sheet metal. The metal is then transported to the fabrication shop where drilling and punching take place. The fabricated metal is then taken to the weld shop where both robotic and hand welding take place.

The fabricated and welded metal part is then attached to an overhead conveyor and sent through a three-stage tunnel washer where the metal is treated by: (stage 1) washing with Hook Klene P cleaning solution (containing phosphoric acid) and a KCI Liqua Phos 6929 solution (containing phosphoric acid and nitric acid); (stage 2) rinsing with water recycled from the third stage; and (stage 3) rinsing once more with fresh City water. Mr. Cothran stated that water is continuously being added to stage 2, and

that process wastewater is continuously discharged from the system at a rate of 4-5 gallons per minute (gpm). The treated metal part is dried, then powder coated and packaged for shipping.

Mr. Cothran stated that the facility discharges its process wastewater to the City's Publicly Owned Treatment Works (POTW). He stated that City representatives have been to the facility before and that he thought that he had an industrial wastewater discharge permit from the City.

Mr. Cothran searched for the permit for several minutes and then called the facility's environmental consultants, Conversion Technology Inc. (CTI). I spoke with the environmental consultants on the phone, explaining the purpose of the inspection and that we were looking for an industrial wastewater permit issued to the facility by the City. Neither the consultants nor Mr. Cothran could locate a permit; however, during the search, Mr. Cothran found an industrial wastewater questionnaire (completed for the City), dated October 11, 2010.

Mr. Cothran also stated that the facility employees conduct a daily titration test of the solution used in the metal treatment process to identify if fresh chemicals need to be added to the system to ultimately ensure that the metal is properly treated prior to the powder coating process. He also stated that they schedule cleaning of the metal treatment system approximately every 10 to 12 weeks. The sludge waste collected from the system is hauled offsite for disposal.

Mr. Cothran stated the pH of the cleaning solution and iron phosphate-based cleaner used within the first stage of the metal treatment process is adjusted prior to discharging to the City's POTW. There is no additional treatment of the cleaning solution prior to discharging to the City's POTW.

#### IV. Tour of Operations

The group exited Mr. Cothran's office and began the tour of operations in the warehouse where the manufacturing takes place. In the receiving area where the raw metals are stored at the facility, Ms. Holland did not observe floor drains, but did observe a stand-alone parts washer that did not have a sewer connection, automated plasma cutting torches, precision drills, multiple brake presses, and scrap metal containers.

Ms. Holland also observed a wet sweeper in this area of the facility that has a pipe connecting the sweeper to the sewer connection. Mr. Cothran stated that the content of the wet sweeper was discharged to the City's POTW in conjunction with the wastewater from the metal pretreatment system.

The group then proceeded to the welding area of the facility where Ms. Holland observed semi-robotic welders, hand welders, and robotic welders. Floor drains or other sewer connections were not observed in this area of the facility.

The group then proceeded to a room where the tunnel washer was located for the metal treatment process (Attachment 1, Photograph 1). The first stage of the system consisted of an automated spray application of Hook Klene P cleaning solution (containing phosphoric acid) and Liqua Phos 6929 (containing phosphoric acid and nitric acid) (Attachment 1, Photographs 2 through 4). The solution was captured in a reservoir (with an approximate capacity of 4,400 gallons) and reused in stage one (Attachment 1, Photograph 5).



Between the first and second stages of the metal treatment process, Ms. Holland observed an unplumbed hand sink. It appeared that water from the sink was discharged to the trench drain and to the City's POTW (Attachment 1, Photograph 6).

The second stage of the metal treatment process had a reservoir with an approximate capacity between 1,200 and 1,800 gallons. Used rinse water from the third stage was collected in the reservoir and was applied in this initial rinse after the Hook Klene P and Liqua Phos 6929 had been applied. Rinse water overflow from this stage discharged to the trench drain located in the metal treatment process room. The trench drain flows to the City's POTW. Ms. Holland observed a discharge occurring from this stage at the time of the inspection (Attachment 1, Photograph 9).

During the third stage of the metal treatment process, fresh City water was used for the final rinse of the metal parts. Ms. Holland observed a reservoir that was approximately the same size as the second stage reservoir (i.e., between 1,200 and 1,800 gallons) used for supplying water to the system for the final metal treatment rinse (Attachment 1, Photograph 10).

Process wastewaters generated from the metal treatment process are collected in a trench drain that runs parallel to the tunnel washer. The drain conveys the process wastewaters to what appeared to be an oil separator within a large pit located under the floor grating. Mr. Cothran explained that this device was used for solids settling, and the discharge from the device is conveyed through a PVC pipe to the City's POTW. Ms. Holland observed accumulated solids and sludge collected within the pit, making it difficult to see the discharge pipe to the POTW (Attachment 1, Photograph 11). The configuration of the piping was also unclear. Mr. Cothran was unable to explain how the wastewater was collected within the pit and discharged to the POTW. Specifically, we observed a curved PVC pipe that Mr. Cothran believed was the discharge pipe. Without the presence of a pump, it was unclear how wastewater would be conveyed through the PVC pipe to the POTW.

In this pit area, Ms. Holland also observed a pipe leading from the area where the facility's wet sweeper was parked. Mr. Cothran explained that the liquid from the wet sweeper was discharged through the pipe, to the pit, and ultimately to the City's POTW.

Ms. Holland observed 55-gallon drums of various chemicals in the room where the metal treatment process tunnel washer was located. These drums contained pH adjustment chemicals that were referred to as "pH Up" (an alkaline product) and "pH Down" (an acidic product). Ms. Holland also observed JK 100 (a liquid alkaline product), and a defoaming product stored within the same area (Attachment 1, Photographs 7 and 8).

Ms. Holland observed a number of chemicals in the metal treatment area that were stored directly on top of the trench drain that led to the pit and ultimately to the POTW, including multiple 55-gallon drums of acid, Liqua Phos 6929, and alkaline. In the event of a spill or leak, it appeared that the content of the drums would discharge directly to the wastewater pit and to the POTW because they did not have any secondary containment. Mr. Cothran did not know the volume of wastewater that was generated and discharged from the tunnel wash process to the POTW.

Mr. Cothran stated that when the metal treatment process undergoes cleaning (approximately every 10 to 12 weeks), the solids cleaned from the tunnel washer reservoirs are collected in a 55-gallon drum. He also stated that holes are drilled in the drums and the concentrated liquids are allowed to leak from the

drums into the wastewater pit and ultimately to the POTW. The remaining solids are hauled offsite for disposal.

Mr. Cothran explained that after the metal parts went through the metal treatment process, they were dried and then powder coated with one of the facility's 13 standard colors, dried further in an oven, and then packaged for shipping.

## V. Records Review

During the opening conference, Mr. Cothran mentioned that the facility contracts with CTI to provide assistance with stormwater and wastewater management at the facility. Ms. Holland asked if CTI had evaluated or conducted monitoring of the discharges from the metal treatment system to the POTW. Mr. Cothran said that they had conducted monitoring and provided the following documents:

- Wastewater Permit Requirement Evaluation (conducted by CTI), dated June 30, 2010.
- Sludge Testing (Toxicity Characteristic Leach Procedure for metals), dated July 7, 2010.
- Industrial Wastewater Questionnaire (completed for the City of Rome), dated October 11, 2010.

According to the Wastewater Permit Requirement Evaluation provided by CTI, dated June 30, 2010 (Attachment 2.A), the facility generated and batch-discharged wastewater one to two times per year to the POTW. At that time, the facility generated and discharged wastewater from product washing after the metal coating and painting processes. Ms. Holland observed inconsistencies with this discharge information at the time of the inspection, indicating that the facility's wastewater generation and discharge practices have changed since 2010.

The Evaluation also states that grab samples of wastewater discharges were collected and analyzed. These samples were collected on June 7, 2010. The wastewater samples were tested and the results showed that the wastewater discharged from the facility were below the City Discharge Limits (these limits were not defined in the Evaluation document). However, it should be noted that the grab samples collected were not compliant with the categorical monitoring requirements in 40 C.F.R. § 403.12(g) for sampling metals.

The Evaluation further stated that the facility was not subject to federal categorical standards based on the facility's Standard Industrial Classification codes. The results of the Sludge Testing and the Industrial Wastewater Questionnaire completed by the facility are provided as Attachments 2.B and 2.C, respectively.

## VI. Closing Conference

After the inspection of the process and operation areas, we returned to the office where the opening conference had occurred. Ms. Holland explained that, based on the information provided and observed during the inspection, the wastewaters generated and discharged to the City's POTW from the facility's metal treatment process prior to powder coating was subject to the federal categorical regulations at 40 C.F.R. Part 433, Metal Finishing. Ms. Holland relayed it was surprising that the facility had completed and submitted an Industrial Wastewater Questionnaire but had not been permitted, sampled, or formally inspected by the City. The inspectors exited the facility at 3:18 P.M.



## VII. Findings

- A. The facility was generating and discharging process wastewater to the City's POTW from its metal treatment process at the time of the inspection, and appears to have been doing so since the process was installed in 2010. The facility's metal treatment process is equivalent to phosphating, which is a core process in 40 C.F.R. § 433.10(a), Metal Finishing. All discharges from the facility's metal treatment process are therefore regulated, and the facility is subject to the categorical pretreatment standards for new sources in 40 C.F.R. Part 433. The facility accepted incorrect advice from its consultant, CTI, regarding its categorical status.

In addition to the metal finishing standards, the pretreatment standards and requirements identified in 40 C.F.R. Part 403, General Pretreatment Regulations for Existing and New Sources of Pollution, also apply to the facility's non-domestic discharges to the public sewer. Upon discharge to the POTW, it appears the facility did not: (1) previously install the pretreatment necessary to meet standards pursuant to 40 C.F.R. § 403.6(b); (2) submit to the City (its pretreatment control authority) the initial and routine reporting for categorical users pursuant to 40 C.F.R. § 403.12; and (3) obtain a significant industrial user permit from the City pursuant to law.

- B. During the inspection of the wastewater collection pit, Ms. Holland observed a significant amount of solids accumulated within the pit. Whether or not this was a normal condition for the facility, and how it may impact the POTW, were unclear.
- C. The facility's practice of discharging the liquid concentrate from the solids collected from the metal treatment process reservoirs during routine cleaning may contain significant concentrations of metals which have the potential to violate federal standards and/or have a negative impact on the City's POTW.
- D. The facility did not appear to know the exact amount of flow being discharged to the POTW.

## VIII. Recommendations

- A. Due to the activities that are subject to regulation, the facility should take the appropriate steps to ensure that it has received an industrial user permit before continuing to discharge its wastewater to the City's POTW. Specifically, the facility should contact the City to obtain the proper permits for the facility's discharge.
- B. The facility should fully understand the method and process by which its wastewater discharges to the City's POTW. Specifically, developing a schematic depicting the internal and external pipe connectivity and the wastewater flow rates would be helpful.
- C. The facility should conduct monitoring of the regulated process wastewaters to ascertain their pollutants and concentrations, and report this to the City. The most recent monitoring data provided by the facility was collected on June 7, 2010, and may not be representative of the current quality of

the wastewater discharged from the facility to the City's POTW. The facility also must meet the self-implementing reporting requirements for categorical industrial users in 40 C.F.R. § 403.12.

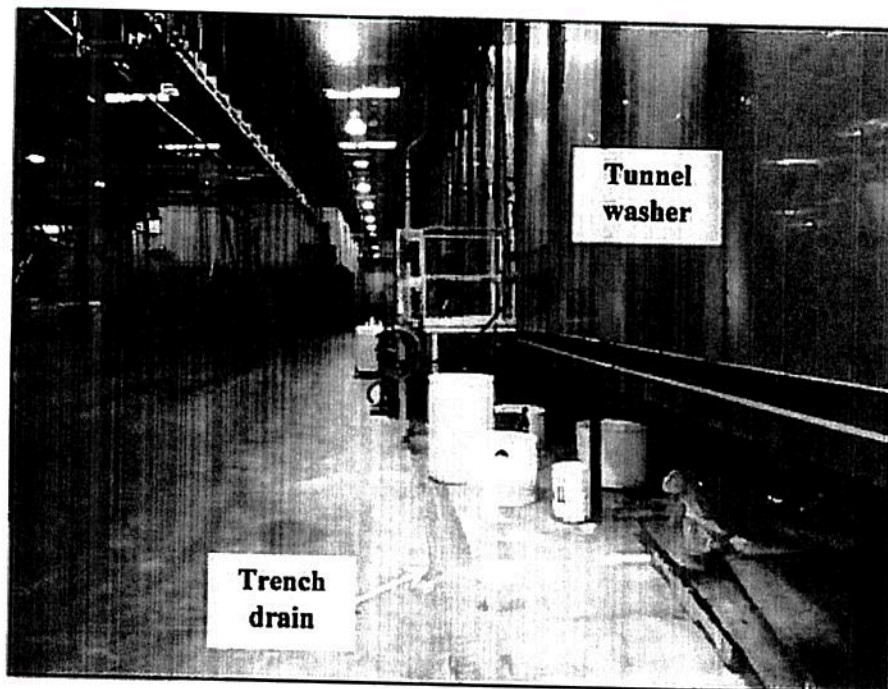
- D. The facility should obtain and install a calibrated flow measurement device to identify the volume of wastewater generated and discharged from its regulated categorical wastewater operations prior to the introduction of any diluting streams. The facility should also work with the City to determine the necessity of installing an effluent pH meter or other measurement devices to ensure that the wastewater does not cause harm to the POTW or cause pass through, interference, and/or upsets at the treatment facility or in any other way cause the City to violate its own discharge permit.
- E. The City should issue the facility a significant industrial user permit and meet the terms of its pretreatment program approved by the State of Georgia and identified in its NPDES permit.

## **IX. Attachments**

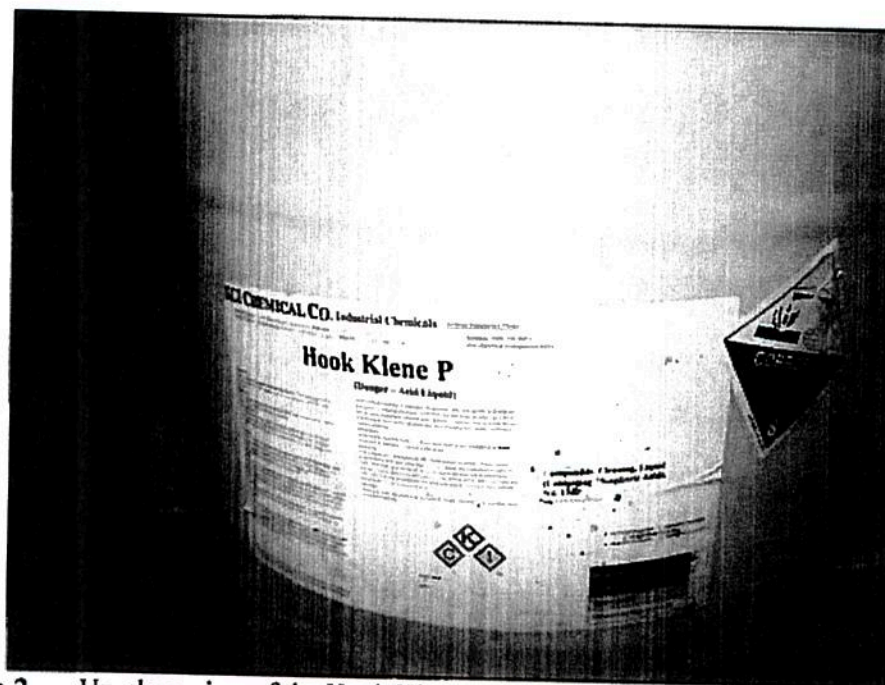
Attachment 1	Photograph Log
Attachment 2.A	CTI Wastewater Permit Requirement Evaluation
Attachment 2.B	Sludge Testing Results
Attachment 2.C	City of Rome Industrial Wastewater Questionnaire

**Attachment 1 Photograph Log**  
**Steel King Industries, Inc.**

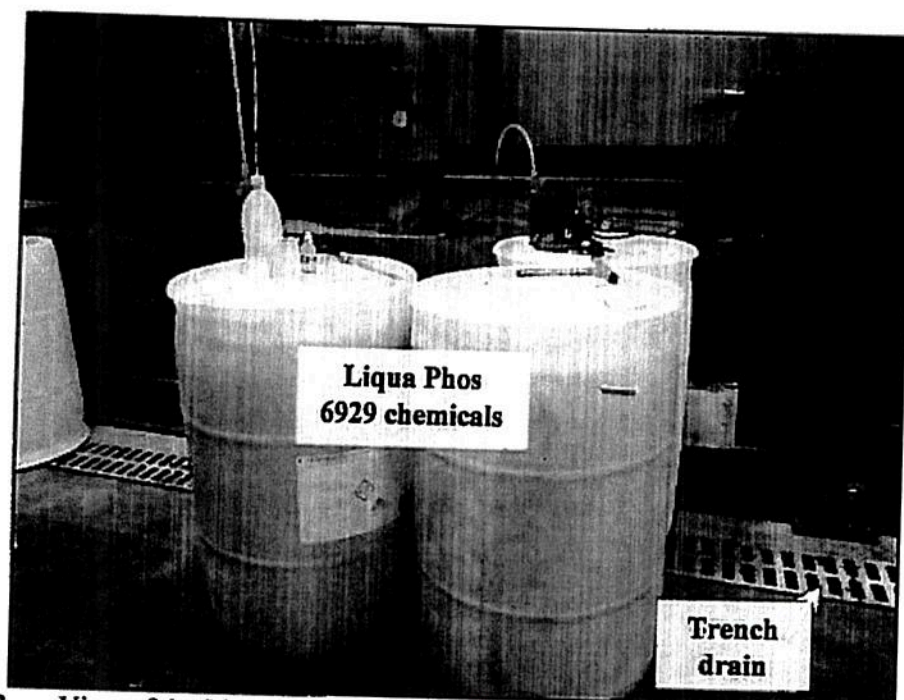




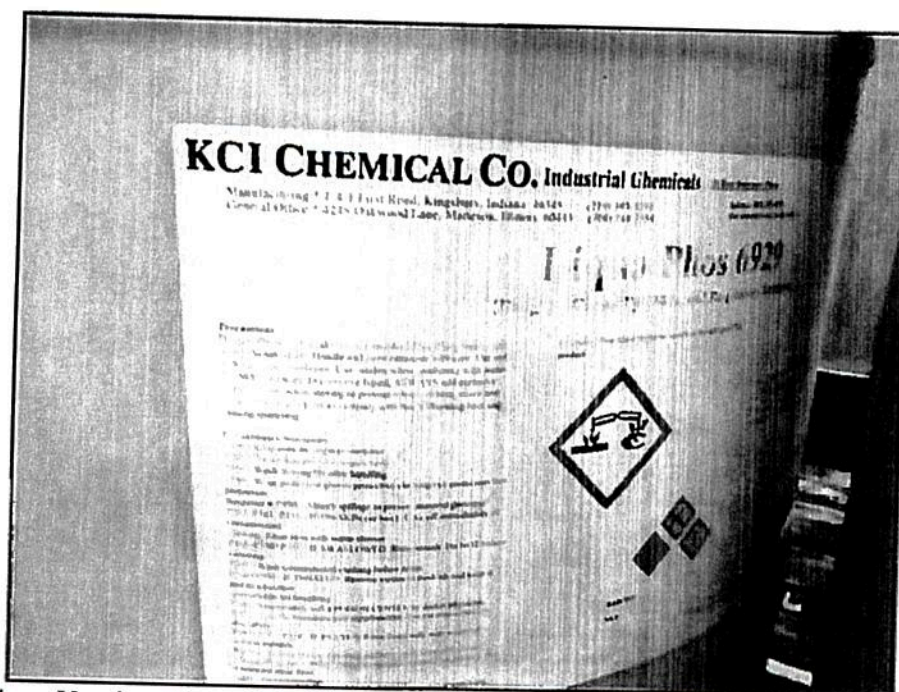
**Photograph 1.** The facility's tunnel washer used for the metal treatment process. The trench drain parallel to the washer conveys wastewater to a pit and to the City's POTW.



**Photograph 2.** Up-close view of the Hook Klene P chemical cleaner (containing phosphoric acid) used in the first stage of the metal treatment process.



**Photograph 3.** View of the Ligua Phos 6929 chemical (containing phosphoric acid and nitric acid) used in the first stage of the metal treatment process. Note the vicinity of the 55-gallon drums to the trench drain and lack of secondary containment.

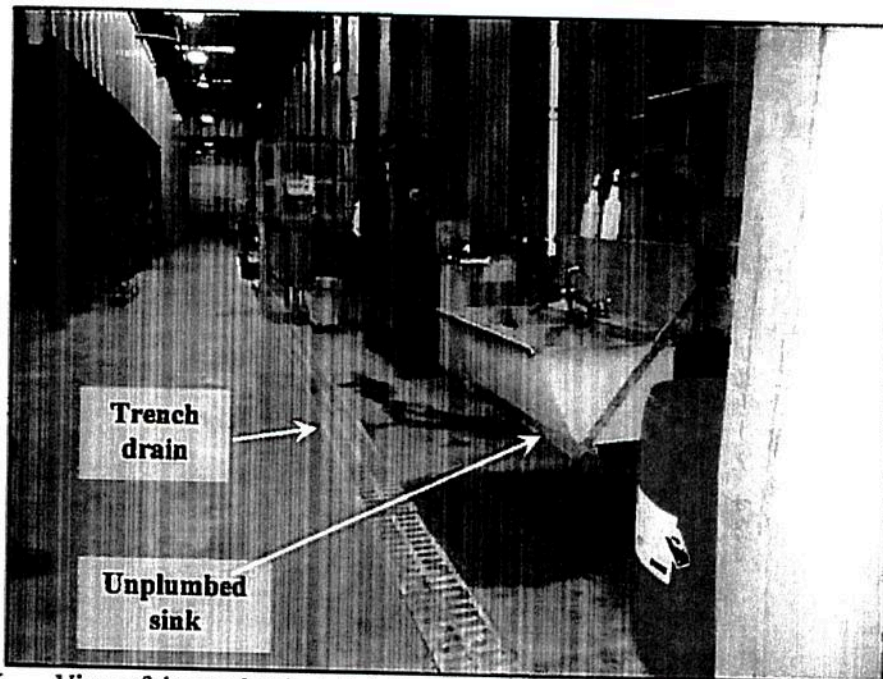


**Photograph 4.** Up-close view of the label on the 55-gallon drum of Ligua Phos 6929 depicted in Photograph 3.

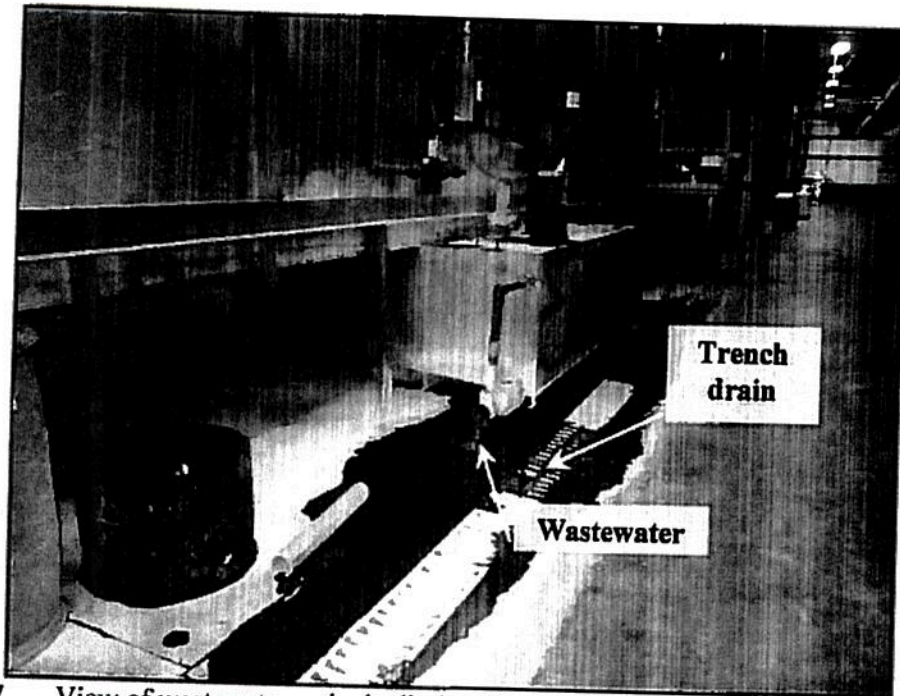




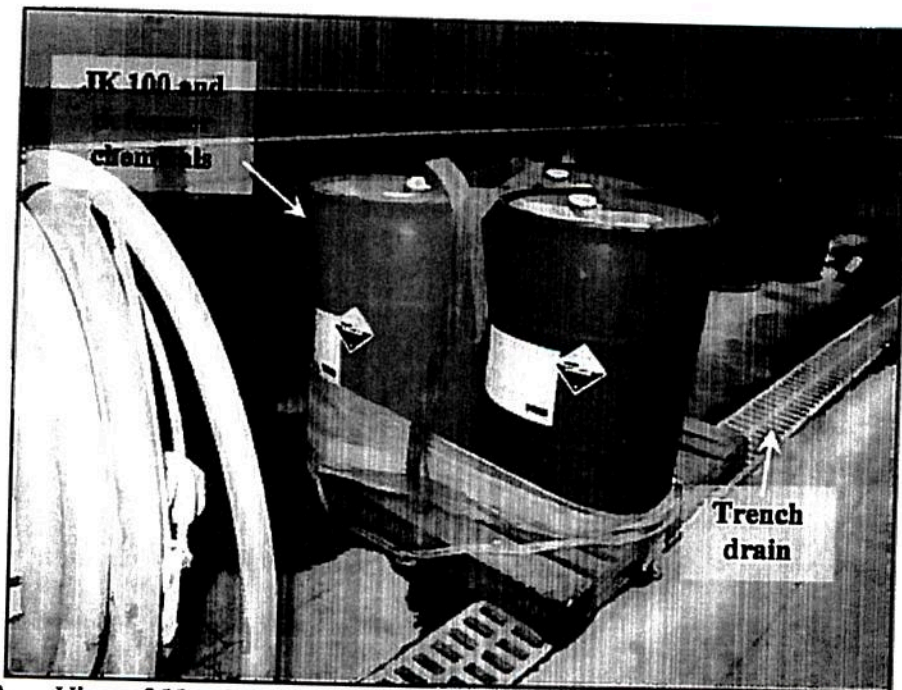
**Photograph 5.** View of the stage one reservoir containing solutions of Liqua Phos 6929 and Hook Klene P.



**Photograph 6.** View of the unplumbed sink that discharges to the trench drain and to the wastewater pit and ultimately to the City's POTW.

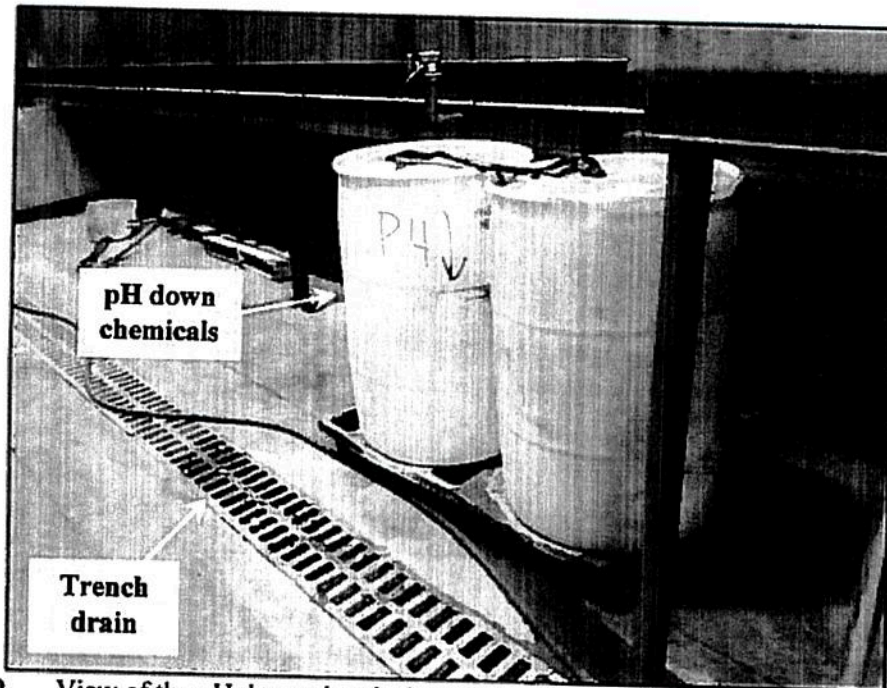


**Photograph 7.** View of wastewater actively discharging from the open valve of the second stage of the metal treatment process. Wastewater discharges to the trench drain, wastewater pit, and to the City's POTW.

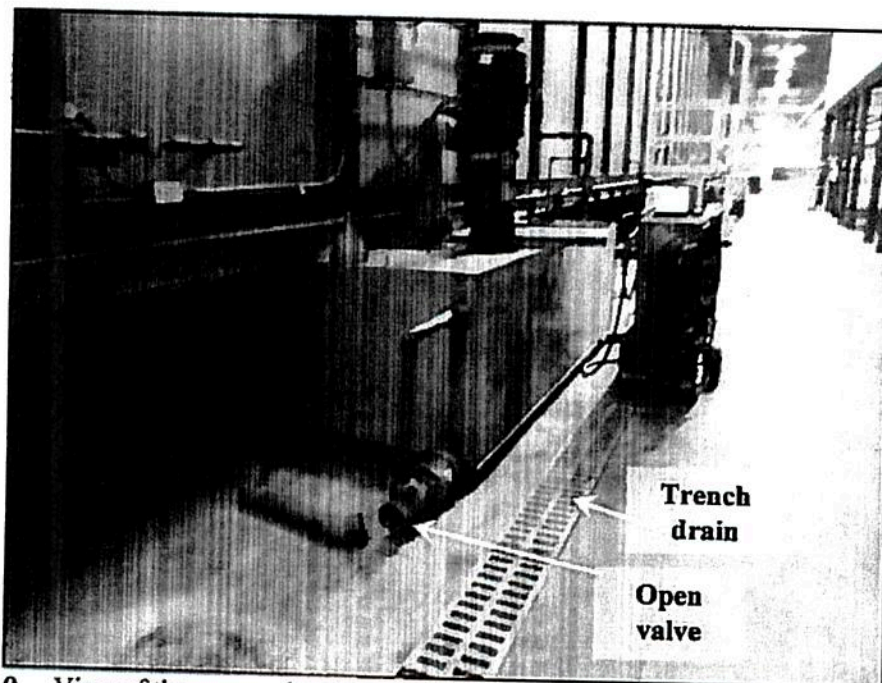


**Photograph 8.** View of 55-gallon drums of JK 100 (a liquid alkaline product) and defoamer. Note the vicinity of the 55-gallon drums to the trench drain and lack of secondary containment.

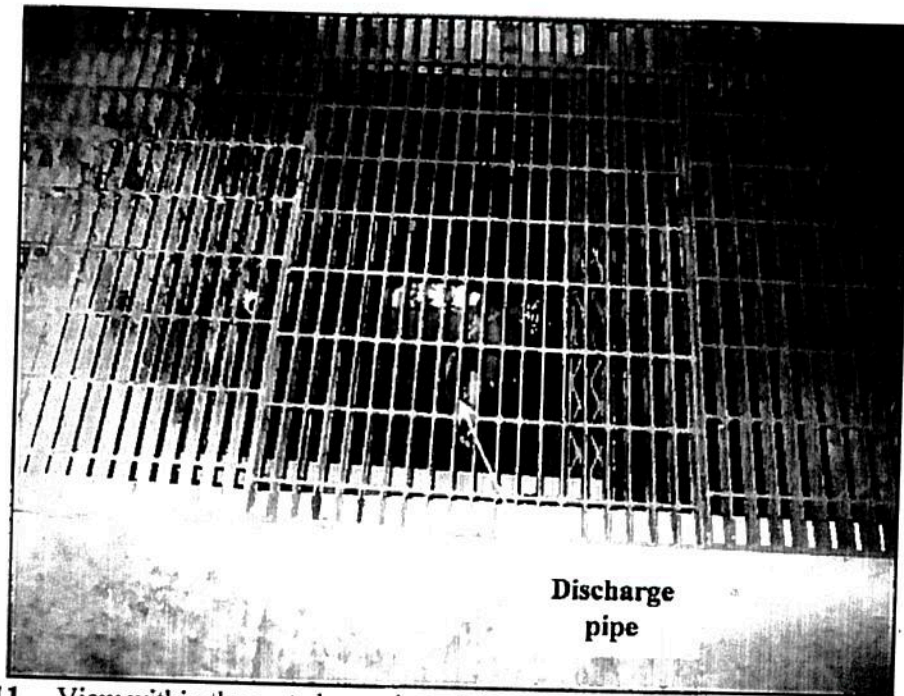




**Photograph 9.** View of the pH down chemicals used for adjusting the pH of the content in the reservoirs of the metal treatment system. Note the vicinity of the 55-gallon drums to the trench drain and lack of secondary containment.



**Photograph 10.** View of the open valve that would allow rinse water from the third stage of the metal treatment process to discharge to the trench drain, wastewater pit, and ultimately to the City's POTW.



**Photograph 11.** View within the grated covering of the wastewater pit of the facility's discharge location to the City's POTW. The exact method in which wastewater was discharged from the pit to the POTW was unclear. Note the accumulation of solids within the pit.



**Attachment 2.A CTI Wastewater Permit Requirement Evaluation**  
**Steel King Industries, Inc.**



**Conversion Technology Inc.**  
ENVIRONMENTAL CONSULTING ENGINEERS

2190 N. NORCROSS TUCKER ROAD, SUITE 202  
NORCROSS, GEORGIA 30071  
TEL: 770.263.8330 FAX: 770.263.8348  
E-MAIL: CTI@CONVERSIONTECHNOLOGY.COM  
WWW.CONVERSIONTECHNOLOGY.COM

June 30, 2010

hzh  
3/2/16

Mr. John Cothran  
Steel King Industries, Inc.  
30 Floyd Industrial Blvd.  
Rome, GA 30161

Dear Mr. Cothran:

Included is the Wastewater Permit Requirement Evaluation for your facility. Please keep this information on file.

**PROCESS DESCRIPTION AND CURRENT STATUS**

The Steel King Industries, Inc. facility in Rome, Georgia manufactures, and finishes metal shelving products. Steel King Industries, Inc.'s Standard Industrial Classification (SIC) codes are 2542 - Office and Store Fixtures, Partitions, Shelving, and Lockers, Except Wood; and 3499 - Fabricated Metal Products, Not Elsewhere Classified. Wastewater is generated from product washing activities conducted after the metal coating and painting finishing processes. Wastewater is stored in a containment area and discharged as a batch 1-2 times per year. Currently, Steel King Industries, Inc. does not have a wastewater permit.

**CITY PERMIT REQUIREMENT EVALUATION**

**City Of Rome Ordinances for Sewer Use**

Steel King Industries, Inc. is located in Rome, Georgia. The city sets forth uniform requirements for contributors into the wastewater collection and treatment system and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977, amendments to this Act, and the general pretreatment regulations (40 CFR Part 403). The requirements for wastewater discharges to a sewer are as follows:

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. All wastewaters shall be discharged to a sanitary sewer or treated by the generator and discharged to a natural stream under the conditions permitted by an NPDES permit issued by the state environmental protection division. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the city manager. Industrial cooling water or unpolluted process waters may be discharged, on approval of the city manager, to a storm sewer, combined sewer, or natural outlet. Approval by the city manager for discharge of unpolluted process waters to a natural outlet within the city limit is required in addition to the issuance of an NPDES permit by the state environmental protection division.



**Image 1.** Note that the Process Description and Current Status paragraph specifically mentions that the facility conducts coating operations.

- (a) No person shall introduce or cause to be introduced into the sewage works any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the sewage works whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.
- (b) No user shall introduce or cause to be introduced into the sewage works the following pollutants, substances, or wastewater:
- (1) Pollutants which create a fire or explosive hazard in the sewage works, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using test methods specified in 40 CFR 261.21;
  - (2) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the sewage works;
  - (3) Any water or wastes having a pH lower than 5.5 or greater than 12.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
  - (4) Solids or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or resulting in interference;
  - (5) Wastewater having a temperature greater than 150 degrees Fahrenheit (65 degrees Celsius), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees Fahrenheit (40 degrees Celsius);
  - (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
  - (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the sewage works in a quantity that may cause acute worker health and safety problems;
  - (8) Trucked or hauled pollutants, except at discharge points designated by the superintendent in accordance with section 22-201 or this article.
- (a) No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely, in the opinion of the city manager, that such wastes can harm the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or otherwise endanger life, limb, or public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the city manager shall give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors.
- (b) The substances prohibited are:
- (1) Noxious or malodorous liquids, gases, solids or other wastewater which either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.
  - (2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (zero to 65 degrees Celsius).
  - (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the city manager.





- (4) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
- (5) Any waters or wastes containing iron, other objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the city manager for such materials.
- (6) Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the city manager as necessary, after treatment of the composite sewage, to meet the requirements of state, federal, or other public agencies or jurisdiction for such discharge to the receiving waters.
- (7) Any radioactive wastes or isotopes of such half-life concentration as may exceed limits established by the city manager in compliance with applicable state or federal regulations.
- (8) Any waters or wastes having a pH that will cause the pH of the waste entering the sewage treatment plant at any time to be in excess of 9.0.
- (9) Materials which exert or cause:
  - a. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, any textile fibers, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - d. Unusual volume of flow or concentration of wastes constituting slugs.
- (10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (11) Sludges, screenings, or other residues from the pretreatment of industrial wastes.
- (12) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- (13) Detergents, surface-active agents, or other substance which may cause excessive foaming in the sewage works.

The pollutant limits listed in Table 1 on the next page are based on treatment plant design specifications and are established to protect against pass through and interference. User discharge concentrations apply at the point where the industrial waste is discharged to the sewage works. No person shall discharge wastewater containing in excess of the maximum allowable discharge limits listed in Table 1.

#### City Wastewater Discharge Permit

All significant industrial users connected to, proposing to connect to, or otherwise contributing to the sewage works shall obtain a wastewater discharge permit. Proposed new significant users shall apply at least 90 days prior to connection to the sewage works and shall obtain the permit prior to contributing to the system. The city manager may require other users to obtain wastewater permits as necessary to carry out the purposes of this article. *Significant Industrial user (SIU)* means any industrial user who:



- (1) Is subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N;
- (2) Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the sewage treatment plant;
- (3) Has an average discharge flow of process wastewater (excluding sanitary, noncontact cooling and boiler blow-down wastewater) equal to or greater than 25,000 gallons per workday;
- (4) Discharges a wastewater containing any substance defined as a toxic or priority pollutant by the Environmental Protection Agency; or
- (5) Is designed by the city on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

#### Sewer Use Evaluation

Based on its industrial processes, it is assumed that Steel King Industries, Inc. will not discharge any explosive materials or flammable fuels or oils. Steel King Industries, Inc. does not discharge any radioactive waste or any substances prohibited by the City of Rome, Georgia. In order to be certain of the pollutant discharges from Steel King Industries, Inc., grab samples of wastewater discharges were tested for pollutant levels. The samples were taken on June 7, 2010. The pollutant levels were analyzed, and the results proved that the pollutant levels in the wastewater at Steel King Industries, Inc. are well below the pretreatment limits for the City of Rome. Cyanide, PCB, Sulfate, and Phenols were not tested because these parameters were known not to be present based on Steel King Industries, Inc.'s industrial processes. The pH of the sample was measured to be 7.4. The sampling results can be found in the Appendix. A summary of the sampling results is shown in Table 1.

TABLE 1: City User Discharge Limits and Tested Pollutant levels

Pollutant	User Discharge Limit (mg/L)	Tested pollutant Level (mg/L)
Arsenic	0.07	<0.030
Biochemical oxygen demand	350	48.0
Cadmium	0.11	<0.010
Chromium (total)	2.49	<0.010
Copper	0.61	0.141
Lead	0.78	<0.025
Mercury	0.009	<0.0005
Nickel	0.36	0.062
Selenium	0.0	<0.040
Silver	1.49	<0.010
Total suspended solids	200	17
Zinc	0.77	0.025



Image 4. Page 4 of 18. Note the requirement for a City permit includes categorical users.



As long as Steel King Industries, Inc. discharges less than 25,000 gallons of process wastewater per day, Steel King Industries, Inc. is not subject to a City Wastewater Permit. Steel King Industries, Inc. is not subject to categorical pretreatment standard, to be addressed in the next section. Therefore, Steel King Industries, Inc. is not subject to a wastewater permit.

## NATIONAL PRETREATMENT REQUIREMENT EVALUATION

### National Pretreatment Standard

On September 21, 1998, the U.S. Environmental Protection Agency (EPA) promulgated final effluent limitations guidelines and standards under the Clean Water Act (CWA). These regulations amended existing effluent limitations guidelines and standards codified at 40 Code of Federal Regulations (CFR) Part 439.

The CWA requires EPA to promulgate nationally applicable pretreatment standards that restrict pollutant discharges from facilities that discharge wastewater indirectly through sewers flowing to publicly-owned treatment works (POTWs). National pretreatment standards are established for those pollutants in wastewater from indirect dischargers that may pass through, interfere with, or are otherwise incompatible with POTW operations. Generally, pretreatment standards are designed to ensure that wastewaters from direct and indirect industrial dischargers are subject to similar levels of treatment. In addition, all POTWs that must develop local pretreatment programs are required to implement specific local treatment limits applicable to their industrial indirect dischargers to prevent pass through and interference and to prevent the introduction into POTWs of certain pollutants (e.g., pollutants that create a fire or explosion hazard, corrosion or pollutants that result in toxic gases that may cause acute worker health or safety problems). All other POTWs must establish local limits to prevent pass through or interference to ensure compliance with the POTW's NPDES permit or sewage sludge uses. (See 40 CFR 403.5). CWA Section 402(b)(8) requires that permits for certain POTWs receiving pollutants from significant industrial sources subject to pretreatment standards under CWA Section 307(b) must establish a pretreatment program to ensure compliance with these standards. EPA has published regulations to define the requirements of this POTW pretreatment control program.

### National Pretreatment Standard Evaluation

Based on the SIC codes 2542 and 3499, Steel King Industries, Inc. is not subject to the National Pretreatment Standard.

## CONCLUSION

Based on the information provided from the sampling results in the Appendix and the previous evaluations, Steel King Industries, Inc. is not subject to any wastewater permit. The results of the sampling prove that Steel King Industries, Inc. discharges wastewater within the pollutant limits of the City of Rome, Georgia and does not contribute any substances prohibited by the Sewer Use Ordinance. Steel King Industries, Inc. is not subject to a SIU permit requirement as long as it does not discharge more than 25,000 gallons of process water per day. Steel King Industries, Inc. is also not covered by a National Categorical Pretreatment Standard.

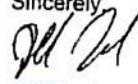


Image 5. Page 5 of 18. Note the incorrect basis for determining categorical status.



If you have any questions concerning this evaluation, please do not hesitate to call me at (770) 263-6330.

Sincerely,



Jeff Pool  
Environmental Engineer

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## APPENDIX

Image 7. Page 7 of 18.



## **ANALYTICAL SERVICES, INC.**

Environmental Monitoring & Laboratory Analysis  
110 Technology Parkway, Norcross, GA 30092  
(770) 734-4200 FAX (770) 734-4201

### **Laboratory Report**

**Prepared For:**

**Conversion Technology Inc.  
2190 Norcross Tucker Road  
Norcross, GA 30071**

**Attention: Mr. Jeff Pool**

**Report Number: ATF0219**

**June 17, 2010**

**Project: SK-WW**

**Project #:[none]**

We appreciate the opportunity to provide the analytical support for your project. The analytical results in this report are based upon information supplied by you, the client, and are for your exclusive use. If you have any questions regarding this data package, please do not hesitate to call.

Approved:

*Elizabeth Bryant*  
Project Manager

This report may not be reproduced, except in full, without written approval from Analytical Services, Inc. Analytical Services, Inc. certifies that the following analytical results meet all requirements of the National Environmental Laboratory Accreditation Conference (NELAC). All test results relate only to the samples analyzed.

Page 1 of 10





# ANALYTICAL SERVICES, INC.

Environmental Monitoring & Laboratory Analysis  
110 Technology Parkway, Norcross, GA 30092  
(770) 734-4200 FAX (770) 734-4201

Conversion Technology Inc.  
2190 Norcross Tucker Road  
Norcross GA, 30071  
Attention: Mr. Jeff Pod

June 17, 2010

## ANALYTICAL REPORT FOR SAMPLES

<u>Sample ID</u>	<u>Laboratory ID</u>	<u>Matrix</u>	<u>Date Sampled</u>	<u>Date Received</u>
Stage 2	ATF0219-01	Waste Water	08/07/10 12:30	08/07/10 16:53

Page 2 of 10



# ANALYTICAL SERVICES, INC.

Environmental Monitoring & Laboratory Analysis  
110 Technology Parkway, Norcross, GA 30092  
(770) 734-4200 FAX (770) 734-4201

Conversion Technology Inc.  
2190 Norcross Tucker Road  
Norcross GA, 30071  
Attention: Mr. Jeff Pool

June 17, 2010

Report No.: ATF0219  
Client ID: Stage 2  
Date/Time Sampled: 6/7/2010 12:30:00PM  
Matrix: Waste Water

Project: SK-WW  
Lab Number ID: ATF0219-01  
Date/Time Received: 6/7/2010 4:53:00PM

Analyte	Result	RL	Units	Method	Qual	DF	Preparation Date	Analytical Date	Batch	Init.
<b>General Chemistry</b>										
Biochemical Oxygen Demand	48.0	10.0	mg/L	SM 5210 B	1		6/08/10 12:00	6/13/10 15:15	0080230	JCM
Total Suspended Solids	17	5	mg/L	SM 2540 D	1		6/14/10 9:25	6/14/10 9:25	0080205	MZP
<b>Metals, Total</b>										
Arsenic	ND	0.030	mg/L	EPA 200.7	1		6/11/10 8:45	6/14/10 17:49	0080325	FBS
Cadmium	ND	0.010	mg/L	EPA 200.7	1		6/11/10 8:45	6/14/10 17:49	0080325	FBS
Chromium	ND	0.010	mg/L	EPA 200.7	1		6/11/10 8:45	6/14/10 17:49	0080325	FBS
Copper	0.141	0.020	mg/L	EPA 200.7	1		6/11/10 8:45	6/14/10 17:49	0080325	FBS
Lead	ND	0.025	mg/L	EPA 200.7	1		6/11/10 8:45	6/14/10 17:49	0080325	FBS
Nickel	0.062	0.020	mg/L	EPA 200.7	1		6/11/10 8:45	6/14/10 17:49	0080325	FBS
Selenium	ND	0.040	mg/L	EPA 200.7	1		6/11/10 8:45	6/14/10 17:49	0080325	FBS
Silver	ND	0.010	mg/L	EPA 200.7	1		6/11/10 8:45	6/14/10 17:49	0080325	FBS
Zinc	0.025	0.020	mg/L	EPA 200.7	1		6/11/10 8:45	6/14/10 17:49	0080325	FBS
Mercury	ND	0.0005	mg/L	EPA 245.1	1		6/08/10 9:50	6/08/10 14:40	0080192	CSW

Page 3 of 10

Image 10. Page 10 of 18.

**ANALYTICAL SERVICES, INC.**

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2190 Norcross Tucker Road  
Norcross GA, 30071  
Attention: Mr. Jeff Pool

June 17, 2010

Report No.: ATF0219

**General Chemistry - Quality Control**

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC Limits	RPD	RPD Limit	Qual
<b>Batch 0060230 - SM 5210 B</b>									
<b>Blank (0060230-BLK1)</b>									
Biochemical Oxygen Demand	ND	2.0	mg/L						Prepared: 06/08/10 Analyzed: 06/13/10
<b>LCS (0060230-BB1)</b>									
Biochemical Oxygen Demand	211	2.0	mg/L	100.00		107 85-115			Prepared: 06/08/10 Analyzed: 06/13/10
<b>Duplicate (0060230-DUP1)</b>									
Biochemical Oxygen Demand	347	10.0	mg/L		378		9	10	Source: ATF0183-01 Prepared: 06/08/10 Analyzed: 06/13/10
<b>Batch 0060295 - SM 2540 D</b>									
<b>Blank (0060295-BLK1)</b>									
Total Suspended Solids	ND	5	mg/L						Prepared & Analyzed: 06/14/10
<b>LCS (0060295-BB1)</b>									
Total Suspended Solids	93	10	mg/L	100.00		93 88-104			Prepared & Analyzed: 06/14/10
<b>Duplicate (0060295-DUP1)</b>									
Total Suspended Solids	140	12	mg/L		144		3	27	Source: ATF0249-01 Prepared & Analyzed: 06/14/10
<b>Duplicate (0060295-DUP2)</b>									
Total Suspended Solids	2	5	mg/L		3		40	27	Source: ATF0283-05 Prepared & Analyzed: 06/14/10

Page 4 of 10



**ANALYTICAL SERVICES, INC.**

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Norcross GA, 30071  
Attention: Mr. Jeff Pool

June 17, 2010

Report No.: ATF0219

**Metals, Total - Quality Control**

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC Limits	RPD	RPD Limit	Qual
<b>Batch 0060192 - EPA 245.1</b>									
<b>Blank (0060192-BLK1)</b>									
Mercury	ND	0.0005	mg/L						Prepared & Analyzed: 08/08/10
<b>LCS (0060192-B51)</b>									
Mercury	0.0024	0.0005	mg/L	2.5000E-3		98	85-115		Prepared & Analyzed: 08/08/10
<b>Duplicate (0060192-DUP1)</b>									
Mercury	ND	0.0005	mg/L		ND			20	Source: ATF0192-02 Prepared & Analyzed: 08/08/10
<b>Matrix Spike (0060192-MS1)</b>									
Mercury	0.0025	0.0005	mg/L	2.5000E-3	ND	98	70-130		Source: ATF0167-01 Prepared & Analyzed: 08/08/10
<b>Post Spike (0060192-PS1)</b>									
Mercury	1.81		ug/L	1.6667	0.0618	93	85-115		Source: ATF0167-01 Prepared & Analyzed: 08/08/10
<b>Batch 0060325 - EPA 200.7</b>									
<b>Blank (0060325-BLK1)</b>									
Arsenic	ND	0.030	mg/L						Prepared & Analyzed: 08/11/10
Cadmium	ND	0.010	mg/L						
Chromium	ND	0.010	mg/L						
Copper	ND	0.020	mg/L						
Lead	ND	0.025	mg/L						
Nickel	ND	0.020	mg/L						
Selenium	ND	0.040	mg/L						
Silver	ND	0.010	mg/L						
Zinc	ND	0.020	mg/L						

Page 5 of 10

Image 12. Page 12 of 18.

**ANALYTICAL SERVICES, INC.**

Environmental Monitoring & Laboratory Analysis  
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Conversion Technology Inc.  
2190 Norcross Tucker Road  
Norcross GA, 30071  
Attention: Mr. Jeff Pool

June 17, 2010

Report No.: ATF0219

**Metals, Total - Quality Control**

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC %REC Limits	RPD	RPD Limit	Qual
<b>Batch 0060325 - EPA 200.7</b>									
<b>LCS (0060325-BS1)</b>									
					Prepared & Analyzed: 06/11/10				
Arsenic	1.0	0.030	mg/L	1.0000	101	85-115			
Cadmium	1.0	0.010	mg/L	1.0000	102	85-115			
Chromium	1.0	0.010	mg/L	1.0000	101	85-115			
Copper	1.0	0.020	mg/L	1.0000	102	85-115			
Lead	1.0	0.025	mg/L	1.0000	102	85-115			
Nickel	1.0	0.020	mg/L	1.0000	102	85-115			
Selenium	1.0	0.040	mg/L	1.0000	102	85-115			
Silver	1.0	0.010	mg/L	1.0000	102	85-115			
Zinc	1.0	0.020	mg/L	1.0000	102	85-115			
<b>Duplicate (0060325-DUP1)</b>									
Source: ATF0440-02					Prepared & Analyzed: 06/11/10				
Arsenic	ND	0.030	mg/L	0.004				20	
Cadmium	ND	0.010	mg/L	ND				20	
Chromium	0.002	0.010	mg/L	0.002			8	20	
Copper	0.024	0.020	mg/L	0.023			3	20	
Lead	ND	0.025	mg/L	ND				20	
Nickel	0.21	0.020	mg/L	0.21			0.1	20	
Selenium	0.010	0.040	mg/L	ND				20	
Silver	ND	0.010	mg/L	ND				20	
Zinc	0.072	0.020	mg/L	0.070			4	20	
<b>Matrix Spike (0060325-MS1)</b>									
Source: ATF0164-01					Prepared & Analyzed: 06/11/10				
Arsenic	1.1	0.030	mg/L	1.0000	0.004	108	70-130		
Cadmium	1.0	0.010	mg/L	1.0000	0.001	101	70-130		
Chromium	1.7	0.010	mg/L	1.0000	0.73	98	70-130		
Copper	1.3	0.020	mg/L	1.0000	0.29	103	70-130		
Lead	1.0	0.025	mg/L	1.0000	0.019	100	70-130		
Nickel	1.8	0.020	mg/L	1.0000	0.80	99	70-130		
Selenium	1.1	0.040	mg/L	1.0000	0.033	110	70-130		
Silver	1.2	0.010	mg/L	1.0000	0.051	110	70-130		
Zinc	1.3	0.020	mg/L	1.0000	0.28	107	70-130		

Page 6 of 10

Image 13. Page 13 of 18.

**ANALYTICAL SERVICES, INC.**

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110 Technology Parkway, Norcross, GA 30092  
(770) 734-4200 FAX (770) 734-4201

Conversion Technology Inc.  
2190 Norcross Tucker Road  
Norcross GA, 30071  
Attention: Mr. Jeff Pool

June 17, 2010

Report No.: ATF0219

**Metals, Total - Quality Control**

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC Limits	RPD	RPD Limit	Qual
<b>Batch 0060325 - EPA 200.7</b>									
<b>Post Spike (0060325-P81)</b>		<b>Source: ATF0164-01</b>			<b>Prepared &amp; Analyzed: 06/11/10</b>				
Arsenic	1.1		mg/L	1.0000	0.004	109	85-115		
Cadmium	1.0		mg/L	1.0000	0.001	102	85-115		
Chromium	1.7		mg/L	1.0000	0.73	99	85-115		
Copper	1.3		mg/L	1.0000	0.29	103	85-115		
Lead	1.0		mg/L	1.0000	0.019	102	85-115		
Nickel	1.6		mg/L	1.0000	0.60	100	85-115		
Selenium	1.2		mg/L	1.0000	0.033	113	85-115		
Silver	1.2		mg/L	1.0000	0.051	110	85-115		
Zinc	1.3		mg/L	1.0000	0.26	108	85-115		

Page 7 of 10

Image 14. Page 14 of 18.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

NOV 15 2016

CERTIFIED MAIL 7015 1730 0002 0524 3808  
RETURN RECEIPT REQUESTED

Pilgrim's Pride Corporation  
ATTN: Mr. James Waits  
P. O. Box 519  
Elberton, Georgia 30635

Re: Notice of Violation and Opportunity to Show Cause Pursuant to Section 309(a) of the Clean Water Act (CWA), 33 U.S.C. § 1319(a); Pilgrim's Pride Corporation, Elberton, Georgia; Permit No. GAP050073 issued by Georgia Environmental Protection Division

Dear Mr. Waits:

On October 21, 2014, the U.S. Environmental Protection Agency Region 4 performed an Industrial User Inspection of Pilgrim's Pride Corporation (Facility) located at 1129 Old Middleton Road in Elberton, Elbert County, Georgia. The purpose of the inspection was to evaluate the Facility's compliance with the requirements of Sections 301 and 307(d) of the Clean Water Act (CWA), 33 U.S.C. §§ 1311 and 1317(d); the regulations promulgated thereunder at 40 C.F.R. Part 403 and the State of Georgia Rules and Regulations for Water Quality Control, Chapter 391-3-6; and Permit No. GAP050073 (Permit) issued to the Facility by Georgia Environmental Protection Divisions (GA EPD), effective November 17, 2011, and expiring October 31, 2016.

The EPA's inspection, as described in the inspection report enclosed herewith as Enclosure A, and subsequent investigative efforts have revealed that the Pilgrim's Pride Corporation failed to comply with Section 301 of the CWA, 33 U.S.C. § 1311, its implementing pretreatment regulations at 40 C.F.R. Part 403, the State of Georgia pretreatment regulations, and its Permit. Specifically, the EPA hereby notifies Pilgrim's Pride Corporation, pursuant to Section 309(a) of the CWA, 33 U.S.C. § 1319(a), of the following findings of violations:

1. Failure to comply with permit conditions.

Pursuant to 40 C.F.R. § 403.10, an industrial user holding a permit containing pretreatment standards and requirements must comply with its permit. The Facility holds Permit No. GAP050073 that includes the following pretreatment standards and requirements:

- (a) Part A of the Permit requires biweekly composited samples for Biochemical Oxygen Demand, Total Suspended Solids, Chemical Oxygen Demand and Ammonia (as N). Composite Samples are defined in Part B.2.k. of the Permit as samples collected at intervals not less frequently than every two hours for a period of 24 hours or for the actual time the pretreatment facility is discharging (if less than 24 hours), and composited according to flow.

At the time of the inspection, the programmed sampler utilized for composite samples was not connected to a flow meter in violation of B.2.k. of the Permit.

- (b) Part B.6. of the Permit requires that the monitoring results be signed in accordance with 40 C.F.R. § 403.12(l) by a principal executive officer or ranking official, or by a duly authorized representative who has the authority to act for or on behalf of the company and submitted to GA EPD.

The Discharge Monitoring Reports (DMRs) submitted by Pilgrim's Pride Corporation to GA EPD were signed by one or more individuals employed by Environmental Management Services and were not employees or representatives of Pilgrim's Pride Corporation. Additionally, the DMRs did not include the certification statement as required by Part B.6. of the Permit in accordance with 40 C.F.R. § 403.12(l) and thereby 40 C.F.R. § 403.6(a)(2)(ii).

- (c) Part A of the Permit requires monitoring of the pH once a day and Part B.6. of the permit requires monitoring results obtained during the month to be summarized in an Operation Monitoring Report Form.

Pilgrim's Pride Corporation uses a handwritten log sheet to document the daily sample results for pH and the effluent flow readings. During the inspection, the summary sheets from January 2013 through September 2014 were reviewed and more than 51 days were identified on which the daily pH results were not monitored or reported in compliance with the terms of the permit.

- (d) Part A of the Permit establishes pretreatment monitoring limitations for Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS).

DMRs submitted by the Pilgrim's Pride Corporation and reviewed during the inspection documented a total of 16 exceedances of established permit effluent limitations for the period covering January 2013 through September 2014. There were 14 violations of the BOD limit in January, February and June 2013. Additionally, a total of two TSS effluent violations were identified; one in January 2013 and one in February 2013.

- (e) Part C.2 of the Permit requires noncompliance notifications to GA EPD when the permittee does not comply with or will be unable to comply with any thirty day average or daily maximum discharge limitation specified in the Permit.

Pilgrim's Pride Corporation was not providing noncompliance notification to the GA EPD for exceedances of effluent discharge limitations as required by Part C.2. of its Permit. Pilgrim's Pride Corporation submitted a noncompliance report for effluent all exceedances experienced in February 2013, June 2013 and July 2013. There was no documentation in the Pilgrim's Pride Corporation files for the January 2013 effluent exceedances. The submitted noncompliance report did not include a description of the discharge and cause of noncompliance, and the period of noncompliance, including exact dates and times.

- (f) Part B.2.l. of the Permit requires repeat sampling and analysis and submittal of the results of the repeat analysis to the EPD within 30 days after becoming aware of a violation from sampling.



Pilgrim's Pride did not conduct the required repeat sampling and analysis and submit the results within 30 days following BOD effluent exceedances in January, February and June 2013 nor following the TSS effluent exceedances in January and February 2013.

2. Discharge causing/contributing to pass-through at a Publicly Owned Treatment Works (POTW).

Pursuant to 40 C.F.R. § 403.5(a)(1), an industrial user may not introduce pollutants into a POTW which cause or contribute to pass-through. Pursuant to 40 C.F.R. § 403.3(p), pass-through is a discharge which exits the POTW in quantities or concentrations which, alone or in conjunction with discharges from other sources, is a cause of a violation of any requirement of the POTW's National Pollutant Discharge Elimination System (NPDES) permit.

The Facility discharges pollutants that have exited the POTW in quantities or concentrations that have caused or contributed to violations of the POTW's NPDES permit, and therefore caused or contributed to pass-through. As noted in the inspection report, the use of quaternary ammonium products during bacteria outbreaks at Pilgrim's Pride Corporation has been shown to cause upsets at the Pilgrim's Pride Corporation wastewater treatment facility and the City of Elberton POTW. Additionally, the POTW has documented on one or more occasion its inability to meet the Biochemical Oxygen Demand minimum removal percentage due to the loading received from Pilgrim's Pride Corporation.

Until compliance with the CWA is achieved, Pilgrim's Pride Corporation is considered to be in violation of the CWA and may be subject to enforcement action pursuant to Section 309 of the CWA, 33 U.S.C. § 1319. This Section provides for the issuance of administrative penalty and/or compliance orders and the initiation of civil and/or criminal actions.

The EPA requests that representatives of Pilgrim's Pride Corporation contact the EPA within seven (7) business days of receipt of this letter to arrange a meeting in this office to show cause why the EPA should not take formal civil enforcement action against Pilgrim's Pride Corporation for these violations and any other potential violations, including the assessment of appropriate civil penalties. In lieu of appearing in person, a telephone conference may be scheduled. Pilgrim's Pride Corporation should be prepared to provide all relevant information with supporting documentation pertaining to the violations, including but not limited to any financial information which may reflect an inability to pay a penalty. Pilgrim's Pride Corporation has the right to be represented by legal counsel.

All information submitted during the show cause meeting must be accompanied by the following certification that is signed by a duly authorized company official in accordance with 40 C.F.R. § 122.22:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

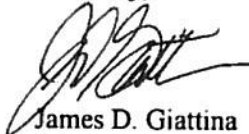


Please be aware that the EPA may use information provided during the meeting or telephone conference in any enforcement proceeding related to this matter. Failure to schedule a show cause meeting may result in a unilateral enforcement action against Pilgrim's Pride Corporation. Notwithstanding the scheduling of a show cause meeting, the EPA retains the right to bring further enforcement action under Section 309 of the CWA, 33 U.S.C. § 1319, for the violations cited therein or for any other violation of the CWA.

In addition, the Securities and Exchange Commission (Commission) requires its registrants to periodically disclose environmental legal proceedings in statements filed with the Commission. To assist Pilgrim's Pride Corporation, the EPA has also enclosed a document entitled *Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings*.

Please contact Ms. Alenda Johnson at (404) 562-9761 to arrange a show cause meeting or if you have any questions or concerns. Legal inquiries should be directed to Ms. Michele Wetherington, Associate Regional Counsel at (404) 562-9613.

Sincerely,



James D. Giattina  
Director  
Water Protection Division

Enclosures (2)

cc: Mr. Bert Langley, Director of Compliance  
Georgia Environmental Protection Division

Mr. Kevin Eavenson, Public Works Director  
City of Elberton, Georgia



United States Environmental Protection Agency  
Office of Enforcement and Compliance Assurance  
Office of Criminal Enforcement, Forensics and Training

National Enforcement Investigations Center

NEIC

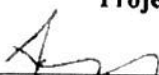
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**CLEAN WATER ACT COMPLIANCE INVESTIGATION**

**Pretreatment Targeting Inspection Support  
Elberton, Georgia, Publicly Owned Treatment Works  
Pilgrim's Pride Corporation  
Elberton, Georgia  
NEIC Project No.: VP1088**

April 2015

**Project Manager:**

  
Daren Vanlerberghe, Environmental Engineer

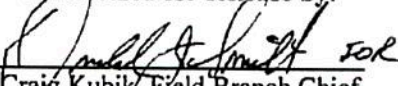
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## CONTENTS

INTRODUCTION .....	3
FACILITY BACKGROUND .....	3
REGULATORY BACKGROUND .....	3
Elberton POTW .....	4
Pilgrim's Pride .....	4
ON-SITE INSPECTION SUMMARY .....	4
Elberton POTW .....	4
Pilgrim's Pride .....	5
PROCESS OVERVIEW .....	5
Elberton POTW .....	5
Falling Creek WPCP .....	5
Forston Creek WPCP .....	6
Pilgrim's Pride .....	6
SUMMARY OF FINDINGS AND OBSERVATIONS .....	8
AREAS OF POTENTIAL NONCOMPLIANCE – ELBERTON POTW .....	8
AREAS OF CONCERN – ELBERTON POTW .....	10
AREAS OF POTENTIAL NONCOMPLIANCE – PILGRIM'S PRIDE CORPORATION .....	11
AREAS OF CONCERN – PILGRIM'S PRIDE CORPORATION .....	16

## TABLES

1 Summary of Findings and Observations – Elberton POTW .....	8
2 Summary of Findings and Observations – Pilgrim's Pride Corporation .....	11

## APPENDICES (\*NEIC-Created Documents)

A Elberton POTW Water Use Records (4 pages)
B NPDES Permit No. GA0025682 (17 pages)
C NPDES Permit No. GA0025631 (18 pages)
D Industrial Pretreatment Permit No. GAP050073 (9 pages)
E* NEIC Field Investigation Photographs – Elberton POTW (32 pages)
F* NEIC Field Investigation Photographs – Pilgrim's Pride Corporation (6 pages)
G December 6, 2011, Georgia EPD Inspection Report and Correspondence (66 pages)
H Elberton November 2011 Discharge Monitoring Report (2 pages)
I December 1, 2011, Correspondence (2 pages)
J Pilgrim's Pride Discharge Monitoring Reports (59 pages)

**This Contents page shows all of the sections contained in this report  
and provides a clear indication of the end of this report.**



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## INTRODUCTION

At the request of U.S. Environmental Protection Agency (EPA) Region 4 and EPA's Office of Compliance, EPA's National Enforcement Investigations Center (NEIC) provided inspection support for EPA's GeoPlatform pretreatment targeting initiative. As part of the requested support, NEIC conducted CWA compliance inspections of the Elberton, Georgia publicly owned treatment works (POTW) and Pilgrim's Pride Corporation (Pilgrim's Pride), a poultry products food processing facility identified as an industrial user that discharges to the Elberton POTW. Pollution control, wastewater generation, and management operations for the facilities are subject to environmental permits and regulations administered by the EPA and the Georgia Department of Natural Resources Environmental Protection Division (Georgia EPD).

## FACILITY BACKGROUND

The Elberton POTW has two municipal water pollution control plants (WPCPs) known as Elberton Falling Creek WPCP and Elberton Fortson Creek WPCP. According to Elberton representatives, the two WPCPs were built as identical plants in 1970. The Falling Creek WPCP was upgraded in the early 1990s to include the addition of a third, larger secondary clarifier. According to Elberton records, the average flow at the Falling Creek WPCP is 0.720 million gallons per day (mgd), and the average flow at the Fortson Creek WPCP is 0.389 mgd. The POTW has approximately 62 miles of sewer pipelines and 8 lift stations. Elberton has a population of approximately 8,500 people.

During the NEIC inspection, Elberton provided a list of industrial users that discharge to the Elberton POTW based on water use records (**Appendix A**). The largest industrial user in terms of flow and pollutant loading contribution to the Elberton POTW is Pilgrim's Pride. Pilgrim's Pride discharges to the Falling Creek WPCP, but the capability exists for Elberton to route the flow from Pilgrim's Pride to the Fortson Creek WPCP via a lift station. Elberton representatives stated that it has been at least 10 years since the wastewater from Pilgrim's Pride was routed to the Fortson Creek WPCP. With an average discharge flow rate of approximately 250,000 gallons per day (gpd), Elberton representatives stated that Pilgrim's Pride contributes approximately 40 percent of the flow and 50 percent of the pollutant loading to the Falling Creek WPCP. The remaining industrial users discharging to the Elberton POTW contribute 5 percent or less of the flow to the POTW and are mostly housing units and residential in nature.

## REGULATORY BACKGROUND

According to facility records, the design maximum flow of the Falling Creek WPCP and the Fortson Creek WPCP is 0.9 mgd and 0.6 mgd, respectively. Elberton is not required to develop, implement, and obtain EPA approval for a POTW pretreatment program because the total design flow of its POTW is less than 5 mgd (40 Code of Federal Regulations [CFR] § 403.8(a)). The State of Georgia has received delegation to implement the CWA National

Pollutant Discharge Elimination System (NPDES) program, including the CWA pretreatment program. Therefore, the State of Georgia is considered the Control Authority for regulating the pretreatment program in Elberton.

#### **Elberton POTW**

NPDES permit No. GA0025682 was issued by the Georgia EPD to the Falling Creek WPCP on August 16, 2010, and the permit is set to expire on August 15, 2015 (**Appendix B**). The permit authorizes the discharge of wastewater from the WPCP to Falling Creek, a tributary to the Savannah River. The permit contains effluent limitations and monitoring requirements for flow, biochemical oxygen demand (BOD), total suspended solids (TSS), fecal coliform, ammonia, total residual chlorine (TRC), and pH.

NPDES permit No. GA0025631 was issued by the Georgia EPD to the Fortson Creek WPCP on August 9, 2010, and the permit is set to expire on August 8, 2015 (**Appendix C**). The permit authorizes the discharge of wastewater from the WPCP to Fortson Creek, a tributary to the Savannah River. The permit contains effluent limitations and monitoring requirements for flow, BOD, TSS, fecal coliform, ammonia, TRC, and pH.

#### **Pilgrim's Pride**

Industrial pretreatment permit No. GAP050073 was issued by the Georgia EPD to Pilgrim's Pride on November 17, 2011, and the permit is set to expire on October 31, 2016 (**Appendix D**). The permit authorizes Pilgrim's Pride to discharge to the sewer system tributary to the City of Elberton's WPCPs. The permit states that Pilgrim's Pride is subject to the general pretreatment regulations under 40 CFR Part 403 and is considered a non-categorical facility. The permit contains effluent limitations and monitoring requirements for flow, BOD, TSS, chemical oxygen demand (COD), oil and grease, ammonia, and pH.

### **ON-SITE INSPECTION SUMMARY**

#### **Elberton POTW**

NEIC conducted the on-site inspection of the Elberton POTW on October 20, 2014. The NEIC inspection team consisted of Daren Vanlerberghe (project manager), Christine Alvarez, and Brian McKeown. Seth Heminway from EPA's Office of Compliance and Hsin-Sheng Yeh from the Georgia EPD also participated during the inspection. Credentials were presented to Byron Stovall, Elberton Utilities Director of Operations – Water and Gas. A closing meeting was held to discuss the preliminary inspection observations. NEIC stressed that final determinations will be made in conjunction with EPA regional personnel and following review of documents provided by Elberton.



The NEIC inspection team assessed Elberton's compliance with the NPDES permit requirements by conducting detailed discussions with Elberton staff; reviewing documents; and observing wastewater treatment facilities, outfall locations, and sampling and monitoring locations. Photographs taken by the NEIC inspection team at the Elberton POTW are located in **Appendix E**.

### **Pilgrim's Pride**

NEIC conducted the on-site inspection of Pilgrim's Pride on October 21, 2014. The NEIC inspection team consisted of Daren Vanlerberghe (project manager), Christine Alvarez, and Brian McKeown. Seth Heminway from EPA's Office of Compliance and Nicole Nichols from the Georgia EPD also participated during the inspection. Credentials were presented to Harvey Loveland, Pilgrim's Pride maintenance manager. A closing meeting was held to discuss the preliminary inspection observations. NEIC stressed that final determinations will be made in conjunction with EPA regional personnel and following review of documents provided by Pilgrim's Pride.

The NEIC inspection team assessed Pilgrim's Pride's compliance with industrial pretreatment permit requirements by conducting detailed discussions with Pilgrim's Pride staff; reviewing documents and observing process areas, wastewater treatment facilities, outfall locations, and sampling and monitoring locations. Photographs taken by the NEIC inspection team at Pilgrim's Pride are located in **Appendix F**.

## **PROCESS OVERVIEW**

### **Elberton POTW**

#### **Falling Creek WPCP**

Sewage flowing to the Falling Creek WPCP is screened (Hycor Helesieve Unit). Flows less than 1,000 gallons per minute (gpm) are lifted by two screw pumps (one in use, the other on standby mode). Flows in excess of 1,000 gpm are diverted to an equalization pump station where the influent is pumped to a 900,000-gallon equalization tank (which can be drained back to the influent by operators in lower flow periods). The lifted sewage from the screw pumps combines with return activated sludge (RAS), passes through a Palmer Bowlus flume (height measured by an ultra sonic meter), and flows to two 303,000-gallon fine bubble aeration basins. Caustic soda can be added at the flume, but POTW operators have not had to do this in many years due to the alkalinity from Pilgrim's Pride effluent. From the aeration basins, sewage flows through 3 clarifiers (clarifiers 1 and 2 are 0.0398 million gallons (MG) and clarifier 3 is 0.119 MG). Clarifier effluent flows to a chlorine contact chamber. Clarifier sludge is either returned as RAS to the aeration basins, or wasted to a digester that feeds a 1.2-meter belt press. A Parshall flume is used to measure the RAS flow rate. Effluent is disinfected using chlorine gas



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in the contact basin, and the effluent is dechlorinated using sulfur dioxide just prior to its discharge (at the weir box) to Falling Creek.

### **Forston Creek WPCP**

Sewage flowing to the Fortson Creek WPCP is screened (Hycor Helesieve Unit). Flows less than 1,000 gpm are lifted by two screw pumps (one in use, the other on standby mode). Flows in excess of 1,000 gpm are diverted to an equalization pump station where the influent is pumped to a 900,000-gallon equalization tank (which can be drained back to the influent by operators in lower flow periods). The lifted sewage from the screw pumps combines with return activated sludge (RAS), passes through a Palmer Bowlus flume (height measured by an ultrasonic meter) and to two 303,000-gallon fine bubble aeration basins. Caustic soda can be added at the flume when needed, and this is routinely added. From the aeration basins, sewage flows through two clarifiers (clarifiers 1 and 2 are 0.0398 MG). Clarifier effluent flows to a chlorine contact chamber. Clarifier sludge is either returned as RAS to aeration basins, or is wasted to a digester that feeds a 0.8-meter belt press. A Parshall flume is used to measure the RAS flow rate. Effluent is disinfected using chlorine gas in the contact basin, and the effluent is dechlorinated using sulfur dioxide just prior to its discharge (at the weir box) to Fortson Creek.

### **Pilgrim's Pride**

A third-party provider trucks raw chicken product to Pilgrim's Pride. The raw chicken then is either cooked or processed on one of three different process lines. Two process lines are ready to eat (RTE) lines that involve the preparation of cooked, breaded chicken. The third process line is the individually frozen (IF) line that involves marinating and packaging raw chicken product. Pilgrim's Pride previously operated a fourth process line for partially cooked chicken, but this was shut down due to company reorganization. The fourth line is still maintained and cleaned occasionally in case Pilgrim's Pride reopens the line or needs to add another process line.

Most wastewater at Pilgrim's Pride is produced from sanitizing the food lines. Each process line is sanitized or cleaned from 1 a.m. to 6 a.m. each day. Wastewater produced during the cleaning shift can contain detergents, fusidic acid, spray foam, and occasionally quaternary ammonia. Some wastewater also is produced in the RTE and IF lines during operation. RTE and IF processing activities include deboning, sizing, marinating, breading and battering, cooking, and packaging chicken product. Wastewater produced during RTE and IF processing activities may contain raw chicken material, cooking oil, and flour.

Wastewater produced during RTE and IF processing activities and during the cleaning shift is collected in floor drains and gravity-flows to the on-site wastewater treatment system (WWTS). The wastewater is sent through a rotary drum screen to remove food and chicken particles. A rope skimmer is also used to remove cooking oils. Most of the cooking oil (up to 95 percent) is often filtered and sold to a used oil distribution company. Wastewater flows to the

40,000-gallon mix basin, then to a 200,000-gallon equalization tank. It is then pumped through a flocculation tube to dissolved air flotation (DAF) unit No. 1. Coagulant, polymers (cationic and anionic), and lime are added to DAF No. 1 to aid in the removal of fats, oil, grease, and suspended solids. From DAF No. 1, wastewater flows to aeration basin No. 1. Storm water collected around Pilgrim's Pride process areas is also collected and sent to the aeration basin No. 1. Wastewater flows in series through three separate aeration basins (Nos. 1, 3, and 4). Polymer is added to aeration basin No. 1. Each aeration basin is equipped with surface aerators. The wastewater is pumped from aeration basin No. 4 to DAF No. 2. Polymer is added to DAF No. 2 to increase coagulation of suspended solids. Pretreated wastewater is pumped from DAF No. 2 to one of two collection tanks before it is discharged to the Elberton POTW. Compliance samples are collected from the collection tank effluent by an automated composite sampler.

Skimmings or solids from DAF units Nos. 1 and 2 are collected and land applied. Sludge removed from DAF No. 2 is sent to a filter belt press. Wastewater from the filter belt press is returned to DAF No. 2, and the sludge is collected and sent off-site.

## SUMMARY OF FINDINGS AND OBSERVATIONS

Findings and observations identified by NEIC during the investigation are summarized in **Table 1** and **Table 2** for the Elberton POTW and Pilgrim's Pride, respectively. These findings and observations are linked to specific supporting documents that can be found in individual appendices to this table. These findings and observations can be categorized as either areas of potential noncompliance or areas of concern. Areas of concern are inspection observations of potential problems or activities that could impact the environment, result in future or current noncompliance, and/or are areas associated with pollution prevention.

**Table 1. SUMMARY OF FINDINGS AND OBSERVATIONS – ELBERTON POTW**  
Pretreatment Targeting Inspection Support  
Elberton, Georgia

#	Regulatory Citation	Findings/Supporting Notes	Evidence
<b>AREAS OF POTENTIAL NONCOMPLIANCE – ELBERTON POTW</b>			
<b>1</b>	<p>NPDES Permit No. GA0025682, Part II.A.1, Facility Operation</p> <p>NPDES Permit No. GA0025631, Part II.A.1, Facility Operation</p> <p><i>The permittee shall maintain and operate efficiently all treatment or control facilities and related equipment installed or used by the permittee to achieve compliance with this permit. Efficient operation and maintenance include effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. Back-up or auxiliary facilities or similar systems shall be operated only when necessary to achieve permit compliance.</i></p>	<p><b>Finding</b></p> <p>Elberton was not efficiently operating and maintaining the clarifiers at the Falling Creek WPCP.</p> <p>Floatable solids were observed in the chlorine contact chambers at both the Falling Creek WPCP and the Fortson Creek WPCP.</p> <p><b>Supporting Notes</b></p> <p>Pin floc and excessive scum were observed on the surface of the clarifiers at the Falling Creek WPCP (Appendix E, IMG0007, IMG0009, IMG0031). In addition, solids carryover was observed from the outer weir into the effluent launder in clarifier No. 1 at the Falling Creek WPCP (Appendix E, IMG0032).</p> <p>The floatable solids in the chlorine contact chambers appeared to be inert material (Appendix E, IMG0010, IMG0011, IMG0012, IMG0013, IMG0027, IMG0028). A small surface skimmer is used in each chlorine contact chamber to capture the floatable solids. Jason Hackett, Elberton POTW WPCP operator, stated that solids are removed from the chlorine contact chambers once per month. The presence of floatable solids in the contact chambers is a concern and indicative of issues with upstream treatment processes.</p> <p>A December 6, 2011, Georgia EPD inspection and subsequent follow-up correspondence indicate that the clarifier scum and chlorine contact chamber solids issues have occurred in the past.</p>	<p><b>Appendix B</b> – NPDES Permit No. GA0025682</p> <p><b>Appendix C</b> – NPDES Permit No. GA0025631</p> <p><b>Appendix E</b> – NEIC Field Investigation Photographs Elberton POTW</p> <p><b>Appendix G</b> – December 6, 2011, Georgia EPD Inspection Report and Correspondence</p> <p>Discussions with Elberton staff</p>



**Table 1. SUMMARY OF FINDINGS AND OBSERVATIONS – ELBERTON POTW**  
**Pretreatment Targeting Inspection Support**  
**Elberton, Georgia**

#	Regulatory Citation	Findings/Supporting Notes	Evidence								
2	<p>NPDES Permit No. GA0025682, Part LA.1.a. Monitoring – For 5-day BOD and TSS, the arithmetic mean of the values of the effluent samples collected during a month shall not exceed 15 percent of the arithmetic mean of the values for influent samples collected at approximately the same times (85 percent removal). For water pollution control plants followed by a polishing pond or consisting of a waste stabilization pond, the 85 percent removal for TSS is not applicable.</p> <p>NPDES Permit No. GA0025682, Part LB.1. Effluent Limitations and Monitoring Requirements – The discharge from the water pollution control plant shall be limited and monitored by the permittee as follows:</p> <table border="1"> <thead> <tr> <th rowspan="2">Parameter</th><th colspan="2">Discharge Limitations mg/L (kg/day) unless otherwise specified</th></tr> <tr> <th>Monthly Avg.</th><th>Weekly Avg.</th></tr> </thead> <tbody> <tr> <td>Biochemical Oxygen Demand (5-day) October-December</td><td>30 (102)</td><td>45 (128)</td></tr> </tbody> </table>	Parameter	Discharge Limitations mg/L (kg/day) unless otherwise specified		Monthly Avg.	Weekly Avg.	Biochemical Oxygen Demand (5-day) October-December	30 (102)	45 (128)	<p>(Appendix G).</p> <p><b>Finding</b> According to the November 2011 discharge monitoring report (DMR) for the Falling Creek WPCP, Elberton did not meet the 85 percent removal requirement for BOD and exceeded the weekly average BOD concentration and weekly average BOD loading effluent limitations in November 2011.</p> <p><b>Supporting Notes</b> Elberton is required by the NPDES permit No. GA0025682 to monitor the influent and effluent BOD concentration and loading and determine the percentage of BOD removed from the influent, with a requirement to remove 85 percent of the BOD on average for the month. During November 2011, the BOD percent removal was reported on the DMR as 82 percent (Appendix II). The monthly average influent BOD concentration and loading was reported as 159 milligrams per liter (mg/L) and 386 kilograms per day (kg/day), respectively. The monthly average effluent BOD concentration and loading was reported as 29.1 mg/L and 70.9 kg/day, respectively, resulting in the reported 82 percent BOD removal.</p> <p>The November 2011 weekly average BOD concentration was reported as 54 mg/L, exceeding the permitted discharge limitation of 45 mg/L. The November 2011 weekly average BOD loading was reported as 139.3 kg/day, exceeding the permitted discharge limitation of 128 kg/day.</p> <p>According to a December 1, 2011, notification from Elberton to the Georgia EPD regarding the November 2011 effluent BOD results, the high effluent BOD was attributed to an increase in loading from Pilgrim's Pride (Appendix I). The notification letter explains that, according to a Pilgrim's Pride wastewater plant manager, quaternary ammonium products were used for disinfection in response to a listeria outbreak at the Pilgrim's Pride facility. The quaternary ammonium products were washed into the Pilgrim's Pride wastewater treatment facility, killing the biota, and causing an increased organic loading to the Falling Creek WPCP.</p>	<p><b>Appendix B</b> – NPDES Permit No. GA0025682</p> <p><b>Appendix H</b> – Elberton November 2011 Discharge Monitoring Report</p> <p><b>Appendix I</b> – December 1, 2011, Correspondence</p>
Parameter	Discharge Limitations mg/L (kg/day) unless otherwise specified										
	Monthly Avg.	Weekly Avg.									
Biochemical Oxygen Demand (5-day) October-December	30 (102)	45 (128)									

**Table 1. SUMMARY OF FINDINGS AND OBSERVATIONS – ELBERTON POTW**  
**Pretreatment Targeting Inspection Support**  
**Elberton, Georgia**

#	Regulatory Citation	Findings/Supporting Notes	Evidence
<b>AREAS OF CONCERN – ELBERTON POTW</b>			
<b>A</b>		<p><u>Concern</u>  Because Pilgrim's Pride contributes such a significant wastewater flow and loading to the Elberton POTW, combined with the nature and use of disinfection and cleaning products used at Pilgrim's Pride, upsets and issues with Pilgrim's Pride's processes, wastewater treatment system, and resulting discharge could cause interference and/or compliance issues at the Elberton POTW.</p> <p><u>Supporting Notes</u>  According to Elberton representatives, Pilgrim's Pride contributes approximately 40 percent of the flow and 50 percent of the pollutant loading to the Falling Creek WPCP. The majority of the wastewater from Pilgrim's Pride is generated during the facility and equipment sanitizing, disinfection, and cleaning shift each day from around 1 a.m. to 6 a.m. According to Pilgrim's Pride pretreatment permit application, the facility and equipment "washdown" wastewater is approximately 75 percent of the total discharge flow.</p> <p>The use of disinfection products, especially quaternary ammonium products during bacteria outbreaks at Pilgrim's Pride, has been shown to cause upsets at the Pilgrim's Pride wastewater treatment facility and issues at the Elberton POTW (Appendix I). No specific monitoring requirements have been established for disinfection products. The discharge of high levels of disinfection products could impact both Pilgrim's Pride's biological treatment units as well as the Elberton POTW.</p>	<p>Appendix I – December 1, 2011, Correspondence</p> <p>Discussions with Elberton and Pilgrim's Pride staff</p>
<b>B</b>		<p><u>Concern</u>  The column on the DMR forms used to document the number of monthly exceedances was not completed correctly by Elberton when exceedances occurred in November 2011.</p> <p>A column is included on DMRs to record the number of monthly exceedances by parameter. Elberton did not include all exceedances in the column on DMRs during November 2011. Two BOD exceedances occurred; only one exceedance was reported in the column (Appendix II).</p>	<p>Appendix II  Elberton November 2011 Discharge Monitoring Report</p>

**Table 2. SUMMARY OF FINDINGS AND OBSERVATIONS – PILGRIM'S PRIDE CORPORATION**  
**Pretreatment Targeting Inspection Support**  
**Elberton, Georgia**

#	Regulatory Citation	Findings/Supporting Notes	Evidence
<b>AREAS OF POTENTIAL NONCOMPLIANCE – PILGRIM'S PRIDE CORPORATION</b>			
1	<p><b>Industrial Pretreatment Permit No. GAP050073, B.2.k. Monitoring and Reporting</b> – A composite sample shall consist of samples collected at intervals not less frequently than every two hours for a period of 24 hours or for the actual time the pretreatment facility is discharging (if less than 24 hours), and composited according to flow.</p>	<p><b>Finding</b>  Pilgrim's Pride was not collecting effluent discharge composite samples according to flow.</p> <p><b>Supporting Notes</b>  Pilgrim's Pride is required by the industrial pretreatment permit to collect effluent composite samples twice per week for BOD, TSS, COD, and ammonia analysis. The permit requires composite samples to be composited according to flow (i.e. flow-proportional). At the time of the inspection, Pilgrim's Pride was using an ISCO model 5800 automatic composite sampler to collect composite samples of the effluent for compliance purposes. The sampler was programmed to collect equal volume aliquots (300 milliliters) every hour (i.e., time-proportional). Stephen James, Pilgrim's Pride regional environmental manager, confirmed that the automatic composite sampler was not connected to a flow meter.</p>	<p>Appendix D – Industrial Pretreatment Permit No. GAP050073</p> <p>Discussions with Pilgrim's Pride staff</p>
2	<p><b>Industrial Pretreatment Permit No. GAP050073, B.6. Reporting</b> – Monitoring results obtained during the month shall be summarized on an Operation Monitoring Report Form. Each month these forms shall be completed, signed in accordance with 40 CFR 403.12(f) by a principal executive officer or ranking official, or by a duly authorized representative who has authority to act for or on behalf of the company and submitted to EPD.</p> <p><b>40 CFR § 403.12(i) – Signatory requirements for Industrial Users Reports</b> – The reports required by paragraphs (b), (d), and (e) of this section shall include the certification statement as set forth in §403.6(a)(2)(ii), and shall be signed as follows:  (1) By a responsible corporate officer, if the Industrial User submitting the reports required by paragraphs (b), (d), and (e) of this section is a corporation. For the purpose of this paragraph, a responsible corporate officer means:  (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or</p>	<p><b>Finding</b>  DMRs submitted by Pilgrim's Pride to the Georgia EPD were not signed by a principal executive officer, ranking official, or duly authorized representative.</p> <p>In addition, the Pilgrim's Pride DMRs do not include the required certification statement as set forth in 40 CFR § 403.6(a)(2)(ii).</p> <p><b>Supporting Notes</b>  Effluent discharge samples collected for permit compliance for all parameters except pH are sent off-site to Environmental Management Services in Tule, Georgia, for analysis. Monthly DMRs submitted by Pilgrim's Pride to the Georgia EPD were signed by John H. Evans and Charles L. Evans, as "Agent for Owner" (Appendix J). J. Evans and C. Evans were identified as employees of Environmental Management Services and are not employees or authorized representatives of Pilgrim's Pride. In addition, the Pilgrim's Pride DMRs do not include any certification statement. DMRs are required to include the certification statement as set forth in 40 CFR § 403.6(a)(2)(ii).</p>	<p>Appendix D – Industrial Pretreatment Permit No. GAP050073</p> <p>Appendix J – Pilgrim's Pride Discharge Monitoring Reports</p> <p>Discussions with Pilgrim's Pride staff</p>



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**Pretreatment Targeting Inspection Support**  
**Elberton, Georgia**

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	<p>(ii) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.</p> <p>(2) By a general partner or proprietor if the Industrial User submitting the reports required by paragraphs (b), (d), and (e) of this section is a partnership, or sole proprietorship respectively.</p> <p>(3) By a duly authorized representative of the individual designated in paragraph (1)(1) or (1)(2) of this section if:</p> <p>(i) The authorization is made in writing by the individual described in paragraph (1)(1) or (1)(2);</p> <p>(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and</p> <p>(iii) the written authorization is submitted to the Control Authority.</p> <p>(-4) If an authorization under paragraph (1)(3) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (1)(3) of this section must be submitted to the Control Authority prior to or together with any reports to be signed by an authorized representative.</p> <p>40 CFR § 403.6(a)(2)(ii) - I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed</p>		

**Table 2. SUMMARY OF FINDINGS AND OBSERVATIONS – PILGRIM'S PRIDE CORPORATION**  
**Pretreatment Targeting Inspection Support**  
**Elberton, Georgia**

#	Regulatory Citation	Findings/Supporting Notes	Evidence
	to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.		
3	Industrial Pretreatment Permit No. GAP050073, A. Effluent Limitations and Monitoring Requirements – The pH shall not be less than 5.5 standard units nor greater than 9.5 standard units and shall be monitored on the final effluent at the location described below by a grab sample once per day.	<p><b>Finding</b> Monitoring records maintained by Pilgrim's Pride to document collection and analysis of daily pH effluent discharge compliance samples are missing pH data on numerous occasions from January 2013 through September 2014.</p> <p><b>Supporting Notes</b> Pilgrim's Pride is required by the industrial pretreatment permit to monitor pH of the final effluent once per day by collecting a grab sample. Pilgrim's Pride uses a monthly handwritten log sheet and summary sheet to document the daily pH sample results along with daily effluent flow readings. The monthly high and low pH results from the summary sheets are reported on the DMRs. NEIC reviewed DMRs and monthly log and summary sheets from January 2013 through September 2014 (Appendix J). The summary sheets are missing daily pH sample results on 51 days from January 2013 through September 2014. (Note: No missing pH data issues were identified in October 2013 and December 2013, therefore, the DMRs for those months are not included in Appendix J)</p>	<p>Appendix D – Industrial Pretreatment Permit No. GAP050073</p> <p>Appendix J – Pilgrim's Pride Discharge Monitoring Reports</p>
4	Industrial Pretreatment Permit No. GAP050073, A. Effluent Limitations and Monitoring Requirements – Such discharges shall be limited and monitored by the permittee as prescribed below.	<p><b>Finding</b> DMRs submitted by Pilgrim's Pride document 16 exceedances of effluent limitations specified in the industrial pretreatment permit from January 2013 through September 2014.</p> <p><b>Supporting Notes</b> NEIC reviewed Pilgrim's Pride DMRs for the time period of January 2013 through September 2014. Pilgrim's Pride reported the following exceedances of industrial pretreatment permit effluent limitations on DMRs in January 2013, February 2013,</p>	<p>Appendix D – Industrial Pretreatment Permit No. GAP050073</p> <p>Appendix J – Pilgrim's Pride Discharge Monitoring Reports</p>

Parameter	Discharge Limitations mg/L (kg/day) unless otherwise specified	
	30-Day Average	Daily Maximum
Biochemical	250.0	250.0
Oxygen Demand	(284.3)	(355.3)

**Table 2. SUMMARY OF FINDINGS AND OBSERVATIONS – PILGRIM'S PRIDE CORPORATION**  
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**Elberton, Georgia**

#	Regulatory Citation			Findings/Supporting Notes	Evidence
	(BOD <sub>5</sub> )				
	Total Suspended Solids (TSS)	250.0 (284.3)	250.0 (355.3)	<p>and June 2013 (Appendix J)</p> <ul style="list-style-type: none"> <li>January 1, 2013, daily maximum BOD concentration – 324 mg/L</li> <li>January 1, 2013, daily maximum BOD loading – 360.3 kg/day</li> <li>January 2, 2013, daily maximum BOD concentration – 302 mg/L</li> <li>January 2, 2013, daily maximum TSS concentration – 272 mg/L</li> <li>January 15, 2013, daily maximum BOD concentration – 470 mg/L</li> <li>January 15, 2013, daily maximum BOD loading – 600.0 kg/day</li> <li>January 16, 2013, daily maximum BOD concentration – 407 mg/L</li> <li>January 16, 2013, daily maximum BOD loading – 500.1 kg/day</li> <li>February 5, 2013, daily maximum BOD concentration – 268 mg/L</li> <li>February 5, 2013, daily maximum TSS concentration – 295 mg/L</li> <li>February 6, 2013, daily maximum BOD concentration – 253 mg/L</li> <li>June 11, 2013, daily maximum BOD concentration – 332 mg/L</li> <li>June 11, 2013, daily maximum BOD loading – 383.9 kg/day</li> <li>June 12, 2013, daily maximum BOD concentration – 421 mg/L</li> <li>June 13, 2013, daily maximum BOD concentration – 440 mg/L</li> <li>June 13, 2013, daily maximum BOD loading – 531.6 kg/day</li> </ul>	
5	<b>Industrial Pretreatment Permit No. GAP050073, C.2. Noncompliance Notifications</b> – <i>If, for any reason, the permittee does not comply with or will be unable to comply with any thirty day average or daily maximum discharge limitation specified in this permit, the permittee shall provide the Watershed Protection Branch of EPD, and the owner of the</i>			<b>Finding:</b> Pilgrim's Pride was not providing noncompliance notifications to the Georgia EPD for exceedances of effluent discharge limitations, as specified in the Industrial pretreatment permit.	Appendix D – Industrial Pretreatment Permit No. GAP050073



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**Elberton, Georgia**

#	Regulatory Citation	Findings/Supporting Notes	Evidence
	<p>wastewater treatment plant with the following information, in writing, within (5) days of becoming aware of such condition.</p> <p><i>a. A description of the discharge and cause of noncompliance and</i></p> <p><i>b. The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.</i></p>	<p><u><b>Supporting Notes</b></u></p> <p>As described in finding number 4 above, DMRs submitted by Pilgrim's Pride document 16 exceedances of effluent limitations specified in the industrial pretreatment permit from January 2013 through September 2014. Exceedances were identified in January 2013, February 2013, and June 2013. There is no documentation of Pilgrim's Pride's submittal of noncompliance notifications for any of the exceedances identified in January 2013. Pilgrim's Pride submitted a "Noncompliance Report" with the DMRs for February 2013 and June 2013, dated March 12, 2013, and July 10, 2013, respectively (Appendix J). However, the noncompliance reports did not include a description of the discharge and cause of noncompliance, and the period of noncompliance, including exact dates and times. The noncompliance notifications did not specify if the noncompliance was corrected and did not include the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.</p> <p>In addition, if sampling indicates a violation, Pilgrim's Pride is required by the industrial pretreatment permit to repeat the sampling and analysis and report these results within 30 days. No additional sampling appears to have been conducted in response to the violations.</p>	<p><b>Appendix J –</b>  <b>Pilgrim's Pride</b>  <b>Discharge</b>  <b>Monitoring</b>  <b>Reports</b></p>

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**Pretreatment Targeting Inspection Support**  
**Elberton, Georgia**

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<b>AREAS OF CONCERN – PILGRIM'S PRIDE CORPORATION</b>			
<b>A</b>	<p><b>Industrial Pretreatment Permit No. GAP050073, A. Effluent Limitations and Monitoring Requirements – The pH shall not be less than 5.5 standard units nor greater than 9.5 standard units and shall be monitored on the final effluent at the location described below by a grab sample once per day:</b></p> <p><b>Industrial Pretreatment Permit No. GAP050073, B.4. Monitoring Procedures – Analytical methods, sample containers, sample preservation techniques, and sample holding times must be consistent with the techniques and methods listed in 40 CFR Part 136. The analytical method used shall be sufficiently sensitive. EPA-approved methods must be applicable to the concentration ranges of the permit samples.</b></p>	<p><u><b>Concern</b></u>  Because knowledgeable staff were not available during the NEIC inspection to discuss Pilgrim's Pride's compliance monitoring procedures, NEIC could not confirm if the analytical methods and sample holding times for pH samples were consistent with requirements under 40 CFR Part 136.</p> <p><u><b>Supporting Notes</b></u>  Effluent discharge samples collected for permit compliance for all parameters except pH are sent off-site to Environmental Management Services in Tate, Georgia, for analysis. The pH samples are analyzed on-site by Pilgrim's Pride staff. At the time of the NEIC inspection, no knowledgeable Pilgrim's Pride staff was available to discuss or confirm if required analytical methods or sample holding times were being used for pH samples.</p>	<p><b>Appendix D – Industrial Pretreatment Permit No GAP050073</b></p>
<b>B</b>		<p><u><b>Concern</b></u>  The column on the DMR forms used to document the number of monthly exceedances was not completed correctly.</p> <p><u><b>Supporting Notes</b></u>  A column is included on DMRs to record the number of monthly exceedances by parameter. Pilgrim's Pride did not include all exceedances in the column on DMRs during January 2013, February 2013, and June 2013 as follows (Appendix J)</p> <ul style="list-style-type: none"> <li>• January 2013 – seven BOD exceedances occurred, and zero exceedances were reported in the column</li> <li>• January 2013 – one TSS exceedance occurred, and zero exceedances were reported in the column</li> <li>• February 2013 – two BOD exceedances occurred, and one exceedance was reported in the column</li> <li>• June 2013 – five BOD exceedances occurred, and one exceedance was reported in the column</li> </ul>	<p><b>Appendix J – Pilgrim's Pride Discharge Monitoring Reports</b></p>